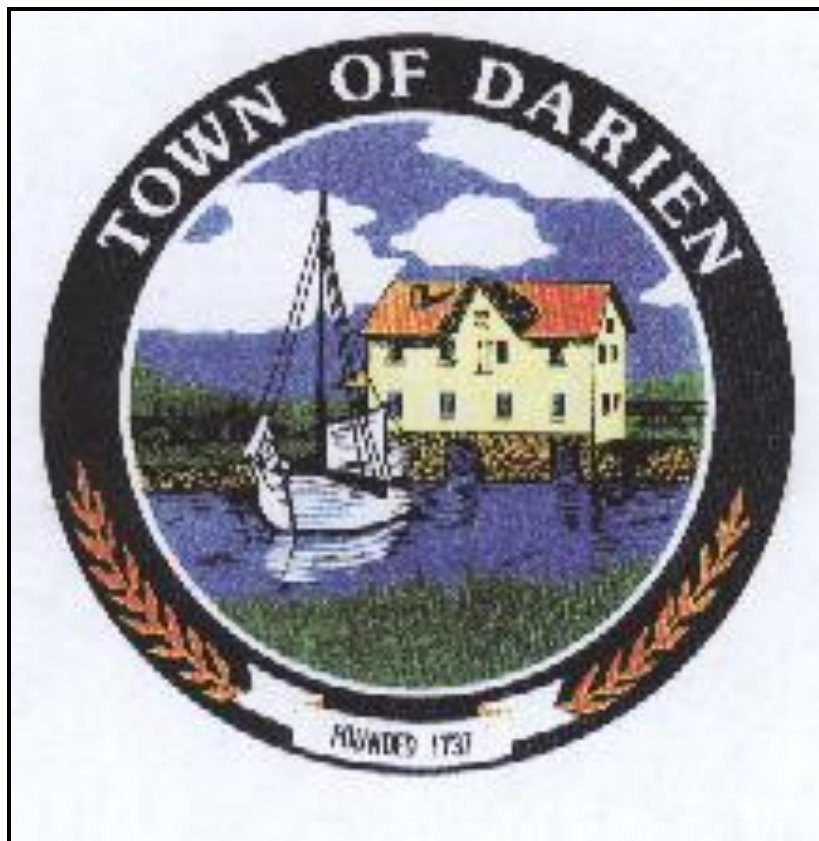


**DARIEN, CONNECTICUT**  
**2022**  
**AFFORDABLE HOUSING PLAN**



Adopted by the Darien Planning & Zoning Commission:  
**September 6, 2022**



# DARIEN 2022 AFFORDABLE HOUSING PLAN

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NOTE: The above outline/table of contents is generally based upon Affordable Housing Plan and Process Guidebook prepared by Regional Plan Association (RPA) in December 2020. That document, as well as other helpful resources on housing has been posted to:  
[www.darienct.gov/ahplan](http://www.darienct.gov/ahplan)

## Chapter 1--Community Value Statement/Goals

As noted and in the 2009 Darien Affordable Housing Plan adopted by the Board of Selectmen and the 2016 Town Plan of Conservation & Development (POCD) adopted by the Planning and Zoning Commission, and recognizing the events that have occurred since the adoption of those documents, Community Value Statement/ Goals include, but are not limited to:

- In Fairfield County, and especially in Darien, the cost of land and housing are high. The average sales price of a house last year (2021) in Darien was over 1.4 million dollars according to the Warren Group, so housing is a particular challenge for young people, seniors and others of limited income.
- The Planning and Zoning Commission has identified areas of Town located close to Downtown Darien, transportation and other business districts as appropriate places to increase density for multi-family housing.
- There is a strong desire of the community to preserve and maintain the predominantly New England style, single-family character of the majority of neighborhoods in Darien. (2016 POCD pg. 8 #1)
- Some neighborhoods will organically change as buildings get larger and density increases, but the visual appearance, density and general character of the majority of the Town will (or should) remain unchanged.
- Before redevelopment for affordable housing takes place within and adjacent to existing neighborhoods, criteria that best harmonizes the new housing with existing the neighborhood would be related to minimum lot size, number of units per acre (density), setbacks and buffers, maximum building height, necessary on-site parking spaces to meet the needs of the residents and their visitors, providing space for active and/or passive recreation, etc.
- While Darien remains a predominantly residential community, it has developed extensive commercial and business districts along Boston Post Road and in Noroton Heights along West Avenue which are close to public transit. Those predominantly commercial and business areas provide extensive opportunities for increased affordable housing to foster residential communities.
- Maintain the basic organizational pattern of higher densities in and near both downtown Darien and the Noroton Heights business district, which are adjacent to the two train stations on the Metro North line, and a reduction in density as distance from these centers increase. The outlying areas also have a reduction of municipal infrastructure such as public water supply and sanitary sewer service. (2016 POCD pg. 98 #2)
- Within this overall framework, seek to provide for a range of housing types and densities to meet a broad array of housing needs. This will diversify Darien's housing portfolio, which

will create more market rate housing that is affordable and will provide more affordable housing opportunities for young people, seniors, local workers, teachers, police officers and all others of limited income. (2016 POCD pg. 98)

- All development in Darien, including, but not limited to affordable housing, needs to recognize and protect our environmental features such as Long Island Sound, tidal wetlands, inland wetlands and watercourses and such development needs to adhere to the Stormwater Management requirements established by the Town.
- Continue to consider ways to address the housing needs of an aging population. (2016 POCD pg. 106 #2)
- Continue to consider ways to provide for housing that is more affordable. Various strategies of achieving affordable housing have been successfully utilized in other communities. Some of them may be applicable in Darien, while others will not be appropriate or acceptable in Darien. (2016 POCD pg. 106 #3)
- Seek to locate higher density housing near the train stations (Darien, Noroton Heights) or on or near a bus transit line. (2016 POCD pg. 106 #4)
- Work with the Darien Housing Authority and any other State, Municipal or not-for-profit organizations to help meet local housing needs. (2016 POCD pg. 106 #5)
- Continue to participate in efforts to create supportive housing for developmentally disabled people. (2016 POCD pg. 106 #6)

## **Chapter 2--History of Housing in Darien**

This Chapter will focus on the wide variety and range of non-single family housing in Darien. While Darien is a community of primarily single-family residences, over the past 20-30 years, an emphasis has been made to create more housing diversity and housing options. The new few pages give examples of various housing now in Town—deed restricted affordable; age-restricted; and assisted and independent and memory care living.

### **Darien's Historic development patterns**

Darien has been a residential, and originally an agriculturally oriented Town located between two of Connecticut's major cities – Stamford and Norwalk. Pre-World War, some workforce housing in Darien had been provided, but was inhibited by transportation limitations for workers to get to the employment centers in the adjacent cities. Employees of Darien businesses often lived in the higher density housing in downtown and near the two train stations in Town – Darien Train Station and Noroton Heights Train Station. Commercial, business and higher density residential development was concentrated in the downtown and secondarily in Noroton Heights and then along the Boston Post Road (Connecticut Route 1). Housing density was generally reduced the farther the neighborhood was from the downtown and/or the transportation corridors. As noted earlier, the availability or likelihood of sewer and water service were used as a guide to rezone properties in the 1950's and 60's. That pattern of density carries through to today. Now approximately 98% of Darien is developed. Thus, most development going forward will not be development on farmland or long-time vacant lots, but rather redevelopment of existing developed properties into more dense development.

### **Deed-restricted Affordable Housing in Darien (224 affordable units)**

#### **A. Darien Housing Authority properties (161 affordable units)**

1. The Darien Housing Authority (DHA) owns two properties in Town. The Allen-O'Neill Housing in the Noroton Heights neighborhood and at the northeast corner of the intersection of Noroton Avenue and West Avenue contained 53 units until it was redeveloped and replaced with the 106 units of affordable housing in 2014. It is a mix of one, two and three bedroom units, and is now known as The Heights at Darien.



*The Heights at Darien.*

2. The second DHA development was the 30 unit Old Town Hall Homes property at the intersection of the Boston Post Road and Academy Street. It was constructed in the 1980s after the former Town Hall at that site was demolished. It was redeveloped in 2021 into a single building containing 55 affordable units for those age 55+ and the disabled. It is now called The Royle at Darien.

**B. Developments constructed pursuant to CGS 8-30g in Darien (63 affordable units)**

1. Avalon Darien was developed by AvalonBay Communities in the late 1990s, and is located in the Noroton Heights neighborhood at 137 Hollow Tree Ridge Road. It contains 189 apartment units, 47 of which are rented as deed-restricted affordable housing. The deed restriction on those 47 units runs until about 2030, when they will then revert to being market-rate units. It was the first development in Darien created under the State's affordable housing Statute, CGS 8-30g.
2. The Garden Homes apartments located at 397 Boston Post Road is an office building that was renovated and converted to housing in 2011. It contains 35 relatively small, studio and one bedroom units, 11 of which are deed-restricted affordable apartments.





*Garden Homes, 397 Boston Post Road.*

3. Pemberton 16 condominiums is located within one block of the Darien Train Station, at 77 Leroy Avenue. It contains 16 age restricted units; 5 of which are also deed restricted affordable units. These are all two bedroom units, and the project was completed in 2018.



*Pemberton 16, 77 Leroy Avenue.*

### **C. Other deed-restricted moderate cost housing (32 units)**

1. Clock Hill Homes on Squab Lane is also within one block of the Darien Train Station. It contains 30 moderate income, owner occupied condominiums built in the early 1990s.
2. Villager Pond Condominiums located on Boston Post Road is a 37 unit development built in the mid to late 1980s. It was approved via the Designed Business/Residential (DBR) zoning which allowed for an increase in density in exchange for creation of deed

restricted moderate income housing. This moderate income incentive is specifically allowed pursuant to Section 513 of the Zoning Regulations. Villager Pond includes 2 deed restricted units.

**D. Deed-restricted Affordable Housing created via Inclusionary Zoning (8 units completed, and 38 approved, but not yet completed)**

1. 23-33 Tokeneke Road contains second floor apartments located above retail stores and restaurants located on the southwest side of Tokeneke Road. There are 6 apartments in total, 2 of which are deed restricted affordable units.



*23-33 Tokeneke Road.*

2. Kensett condominiums on the east side of Hoyt Street did not originally include any affordable housing as part of its Phase One, but as a requirement of Phase Two, 3 deed restricted affordable rental units were created at 269 Hoyt Street. The affordable units are across the street from the condominiums.
3. The Knobel Hill project included the construction of 6 senior housing units on the south side of Locust Hill Road and the west side of Settler's Trail. The Zoning Regulation which allowed the development (Section 430 of the Regulations—the Active Senior Residential Overlay Zone) also required the creation of 2 deed restricted, affordable units. They are located at 67 and 69 Leroy Avenue.
4. The redevelopment of offices and upper floor apartments at Mead House--745 Boston Post Road would have required a fraction of an affordable housing unit. The developer chose to utilize the option in Section 580 (Inclusionary Zoning) of the Regulations to make a sizable payment of over \$300,000 to the Darien Affordable Housing Trust Fund rather than create an on-site affordable unit. This 'fee in-lieu of' payment is allowed at the sole discretion of the Planning & Zoning Commission. The Planning and Zoning Commission has expressed their strong preference that the actual building of the

affordable units is preferable to the payment to the Trust Fund. The \$300,000+ fee was eventually authorized as part of the redevelopment of The Royle at Darien.

5. Mixed used developments at 1020 Boston Post Road and 1897 Boston Post Road include retail and office development of the lower floors and apartments on the top floor. The Inclusionary Zoning requirements resulted in one deed restricted affordable rental apartment at 1897 Boston Post Road.
6. Three major redevelopment projects have been approved and are currently under construction. The first two are directly across the street from the Noroton Heights Train Station. Federal Realty is in the Noroton Heights neighborhood on the north side of Heights Road, east of Edgerton Street, and is in the process of redeveloping the property into “Darien Commons”. This mixed use development will include a total of 122 housing units (a mix of one and two bedroom units), 16 of which will be deed-restricted affordable housing, as required by Section 580 of the Zoning Regulations. Occupancy of some of the dwellings is likely to occur starting in late 2022 and into 2023.
7. The Noroton Heights Shopping Center, also located on the north side of Heights Road closer to Hollow Tree Ridge Road, has also been approved by the Planning & Zoning Commission into a new mixed use development. It is currently going through a redesign process, but as originally approved, it included 59 one and two bedroom apartments, eight (8) of which would be deed restricted affordable units. Demolition at the site has begun, but construction is delayed as the property owners seek a change to the original development plans.



*Noroton Heights Shopping Center, Heights Road. Was originally constructed as one story commercial space, but has received approval to be redeveloped into mixed-use.*

8. Located in downtown Darien and within two blocks of the Darien Train Station, the Corbin District is a mixed use development that will include a total of 116 multi-family



units, 14 of which will be deed restricted affordable housing. Twelve of the fourteen units have been built at 26 East Lane and will soon be occupied.

9. 3 Parklands Drive was approved in February 2022 as a redevelopment of 60 units, 8 of which will be deed-restricted affordable units.

### **History of “higher density” housing and mixed-use development in Darien**

Prior to the adoption of local zoning in the mid-1920s, Darien options for housing included several small bed and breakfast or rooming houses as well as apartments on the upper floor or floors of commercial buildings. There were even some motels with little 2 room cottages. Some workforce housing in Darien was constructed in the late 1920s within an 18-unit two-story apartment building at 410 West Avenue by Phillips Company in Stamford. The complex, now known as Westbridge Manor Apartments, has been turned into condominium units, but the owner chooses to continue to rent them as apartments.



*Westbridge Manor apartments, 410 West Avenue  
Source: Apartmenthomeliving.com*

The original Darien Zoning Regulations adopted in the mid-1920s allowed for apartment buildings in commercial zones. Higher density residential apartments were clustered around the two train stations and along the Boston Post Road corridor. The old Zoning Regulations did allow multi-family developments in residential zones if the area of the parcel was at least two times the minimum lot size required by the residential zoning district. This resulted in some two and three family houses, but by the 1940s, the Zoning Regulations were amended to only allow one dwelling unit per lot in the residential zones. As a result of local zoning and the preferences of the property owners, the vast majority of the Town was used as single family dwellings.

In the 1950s, the zoning districts were revised so that the one acre and two acre minimum lot size zones were those areas that did not have sanitary sewer service and were not likely to get such infrastructure. The denser zones (half acre, third acre and fifth acre minimum lot sizes) were those areas that already had sanitary sewers or where such services could and would be extended

to in the foreseeable future. Most houses in the one and two acre zones are served by on-site wells and on-site septic systems. Most houses in the denser zones are served by public water and sanitary sewer.

In the early 1980s, the Darien Planning and Zoning Commission recognized that a greater variety of housing options, housing sizes, and affordability was needed. It was concluded that such housing should be located close to public transportation and where public sewer and water service was available. The Designed Business and Residential (DBR) overlay zone was created to give owners of some commercially zoned property along the Boston Post Road an alternative to business development. The allowed residentially density made it economically viable to redevelop the properties to construct multi-family housing instead of commercial uses. The Zoning Regulations incorporated the Commission's policy that this housing was to be an alternative to the large single-family houses, thus it was preferable to have a greater number of smaller units rather than a lesser number of large dwelling units. The Regulations also included a density bonus to encourage moderate and affordable housing. The Sedgwick Village, Pine Brook, Darien Close, Villager Pond and Middlesex Commons condominiums constructed in mid-1980s in the DBR zone were all market-rate, with the exception of two deed restricted units in Villager Pond. The DBR zone provides housing options and housing diversity (smaller units at a substantially lower cost than typical single-family houses). Over 200 new condominiums were constructed using the DBR zone in the 1980s. The percent of Darien's housing stock in single-family residences has decreased since 1990 as a result of these zoning changes.

As part of recent redevelopments, some higher density housing has been, and will be, created. Grove Street Plaza is a mixed use development at 14-20 Grove Street with food service uses on the ground floor, offices on the second floor and apartments on the third floor. There are a total of ten (10) housing units on upper floors in a mixed-use development. The buildings at 13 Grove Street and 1015 Boston Post Road have a total of six (6) apartments above first floor commercial space. 1020 Boston Post Road is a similar mixed use development with six (6) apartments on the third floor. All of these site are in Downtown Darien in close proximity to the Darien Train Station.

Kensett condominiums on the east side of Hoyt Street was approved as 72 units of age targeted, but technically not age restricted, housing intended for older residents. Approximately half of the residents are not seniors and they have families with children. Three (3) deed restricted affordable rental units were created at 269 Hoyt Street. The affordable units are across Wakemore Street from the condominiums.



*Kensett consists of 72 condominium units constructed in two phases.*

Mixed use developments at 1950-1958 Boston Post Road and 1897 Boston Post Road include retail development of the lower floor and apartments on upper floor(s). The Inclusionary Zoning requirements resulted one deed restricted affordable rental apartment at 1897 Boston Post Road, which has five units on upper floors. One apartment unit was created at 71 Boston Post Road, above what is now Chipotle. Six multi-family units were created on the second floor of the buildings at 1015 Boston Post Road and 13 Grove Street.

The Knobel Hill project included the construction of 6 age restricted units on the south side of Locust Hill Road and the west side of Settler's Trail. The Zoning Regulations which allowed the development also required the creation of 2 deed restricted, affordable units. They are located at 67 and 69 Leroy Avenue.

### **History of “special” (other non-traditional) housing in Darien—housing diversity**

The Cottage on Edgerton Street was constructed on a portion of a former school site. It provides living accommodations for 6 developmentally limited adults. Penny's Place is located on a dead end residential street at 26 East Lane. It includes two structures, each designed to look like the single family houses in the neighborhood. It provides housing for 12 developmentally limited adults in a single family residential neighborhood. It fulfills most of the affordable housing requirements of the Corbin District development in downtown Darien.

The ABC House is a result of the First Congregational Church's 'A Better Chance' program. It provides living accommodations for 8 inner-city students who are attending Darien High School. It is located in a single family neighborhood on Tokeneke Road.

On-site staff/employee housing is provided at a number of Special Permit uses which are located in single family residential zones. These include Wee Burn Country Club, Woodway Country Club, the Country Club of Darien and the Ox Ridge Riding and Racquet Club. Local churches, the Darien Community Association and the YMCA each provide some much-needed affordable

housing for on-site employees. Even a local business, Hollow Tree Self-Storage, provides one unit of employee housing on-site.



*Hollow Tree Self-Storage, 131 Hollow Tree Ridge Road.*

There are three (3) Assisted/Independent Living/Memory Care Facilities in Darien. Atria Darien at 50 Ledge Road has a total of 86 units for assisted and independent living. Maplewood at Darien on the Boston Post Road is a residence that contains 66 units.



*Maplewood at Darien, 599 Boston Post Road.*

Most recently approved and constructed in 2020, The Residence at Selleck's Woods at 1 Parklands Drive is a combination assisted living and memory care facility containing a total of 105 units. Seventy-eight (78) units are for assisted living and twenty-seven (27) units are for Memory Care. Although the units within the assisted/independent living facilities do not technically qualify as separate dwelling units, they do provide a housing alternative for a total of over 200 residents of Darien in these three continuing care facilities.





*The Residence at Selleck's Woods, 1 Parklands Drive.*

Two of the housing developments in Darien are exclusively for seniors and the disabled. There are 55 units at The Royle at Darien for seniors and/or disabled persons. Most of these are one-bedroom units. Pemberton 16 has a total of 16 units, all of which are for persons age 62 or older and five (5) of them are deed-restricted affordable units.

### **Discussion of two CGS 8-30g moratoria achieved (2010 and 2016)**

State Statute 8-30g contains a “point system” that communities can use to show progress towards developing deed-restricted affordable housing in their community. As a community gets enough points, they are eligible for a four-year moratorium from 8-30g developments. The number of points required in each community is based upon the number of housing units in the community as of the most recent US Census. Since the 2020 US Census numbers on housing units have not yet been released as of this writing, it is unknown exactly how many moratorium points Darien will need to reach its next moratorium.

Darien is one of only three communities in the entire State of Connecticut to have made such significant progress as to achieve two moratoria—one in 2010 and the other in 2016. Based upon the projects approved and underway, as well as Darien’s commitment to creating new deed-restricted affordable housing, it is possible that Darien will become the first community in the State to achieve three moratoria. As reference, the first moratorium in 2010 required 136 points, and the second moratorium in 2016 required 141 points.

Appendix A of this document shows a chart of Housing Unit Equivalent points as applied to a moratorium.

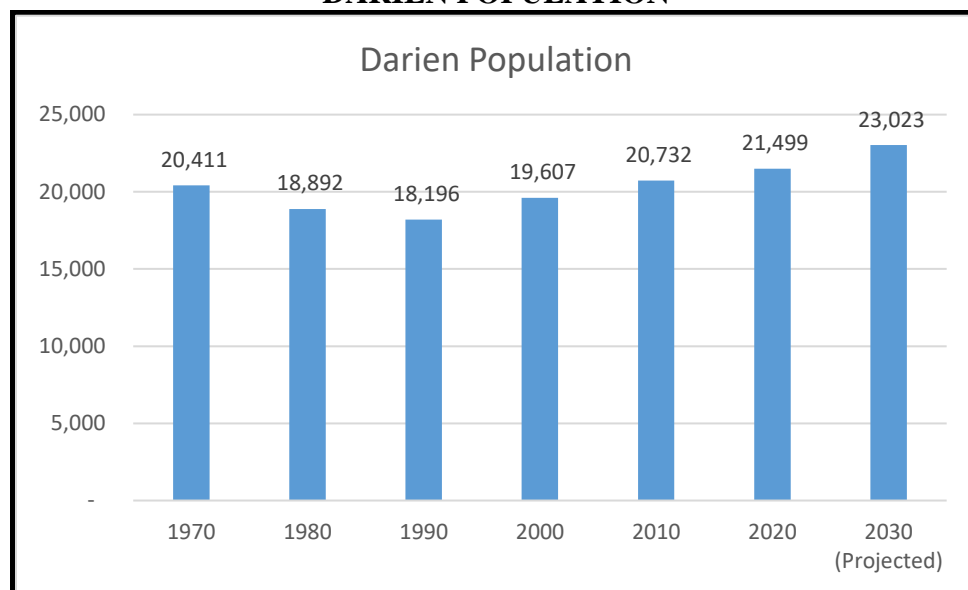
- The October 2010 moratorium (which ran until October 2014)—was achieved via points obtained from: Avalon (106 points); and Clock Hill Homes (30 points).
- The October 2016 moratorium (which ran until October 2020)—included points from: The Heights at Darien (109.5 points); 23-33 Tokeneke Road (1.5 points); Garden Homes (25.5 points); 269 Hoyt Street (4.5 points).



## Chapter 3--Housing Needs Assessment

Darien is a highly desirable place to live. It has excellent schools, a low crime rate, social, cultural and recreational activities, easy access to employment opportunities and medical facilities, wonderful parks, and many other attributes that result in Darien being a place where many people want to be. The local real estate market reflects the high demand and the limited supply.

**EXHIBIT 3-1  
DARIEN POPULATION**

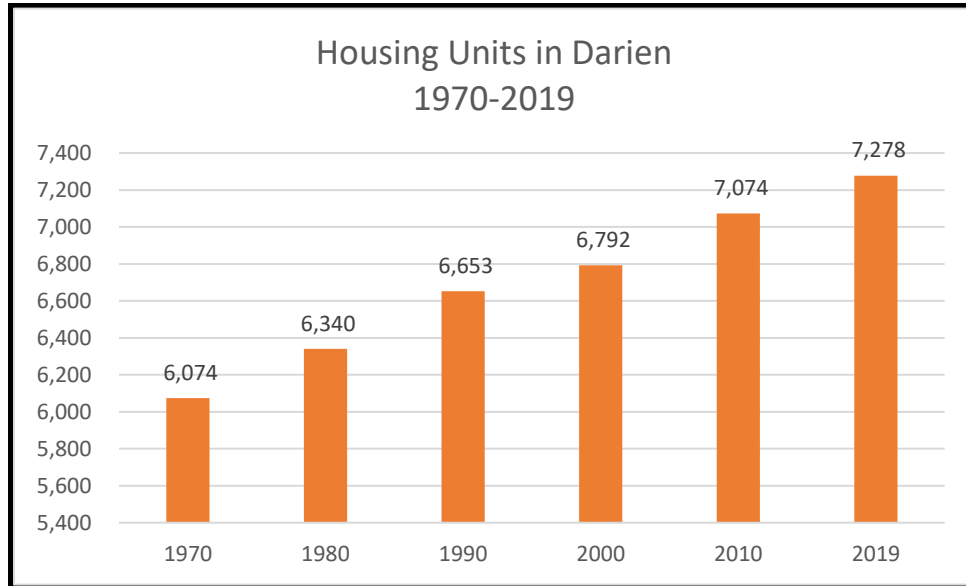


*Source: Western Connecticut Council of Governments (WestCOG).*

The population of Darien has been relatively stable for many years. In 1970, the population was 20,421 but dipped slightly to below 19,000 in 1980 and 1990. It rose to 19,607 in 2000 and to 20,732 in 2010 and 21,499 in 2020. In 50 years, the population of Darien has risen only by 1,088, a mere 5.28%, over that period.

During the same time period (1970-2020), the number of dwelling units increased from 6,074 in 1970 to 7,278 in 2019. There are 1,204 more housing units than 50 years ago, a 19.8% increase. Most of that increase is attributable to the construction of condominiums and apartments. Note that the 2020 Census figures for number of housing units has not been released as of this writing.

**EXHIBIT 3-2  
HOUSING UNITS IN DARIEN**



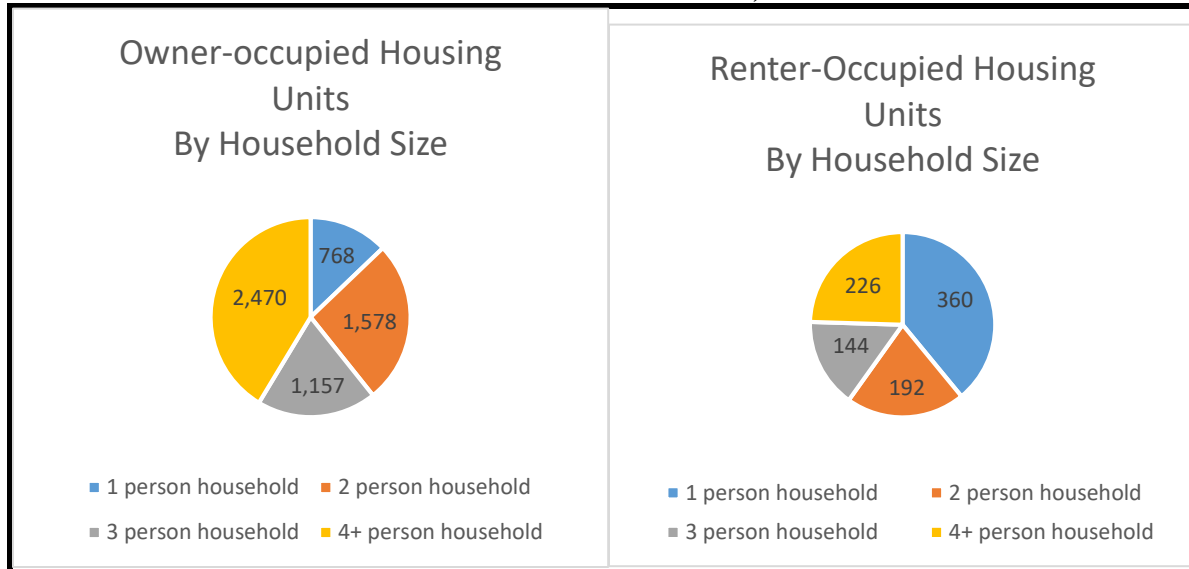
*Source: Western Connecticut Council of Governments (WestCOG); 1970 to 2010 Decennial Censuses; 2015-2019 American Community Survey*

Household size has dropped from 3.36 persons per dwelling in 1970 to 2.95 persons per household in 2020. This is due to a number of cultural and sociological factors: many long-time homeowners have aged in place and their children have moved away from home; divorce rates are higher; a greater number of people are choosing to live by themselves or with a significant other, but without children; and many couples are delaying having children and starting a family.

In Darien, the increase in the number of housing units and the drop in the household size can also be attributed to the changes to the Zoning Regulations that allowed multi-family housing in the 1980s and subsequent years. Without those changes, which provided a greater diversity of housing types and sizes, the number of dwellings would not have increased by as much and the population of Darien probably would not have rebounded to exceed its 1970 figure.

In the 1980s, the Planning and Zoning Commission adopted zoning amendments that allowed multi-family housing as an alternative to business development along portions of the Boston Post Road (Route 1) and some of the adjacent properties that were likely to be redeveloped. In drafting the regulations, the Commission made a conscious decision to have a greater number of small units rather than a fewer number of large units. In the Designed Multi-Family Residential (DMR) zone, it limited the average size of the dwelling units to 1,200 square feet. This limitation helped to keep the cost of the units (relatively) low. In some cases, the units were constructed with unfinished basements to be used for utilities and storage. Other units were designed with attached garages. These spaces were not counted as finished space nor were they marketed as being potential finished space. Yet, over the next 30 years, some tenants and owners have sought to, (and in a few cases without permits, actually made changes to) convert these spaces into finished living space, thus increasing the unit size and value.

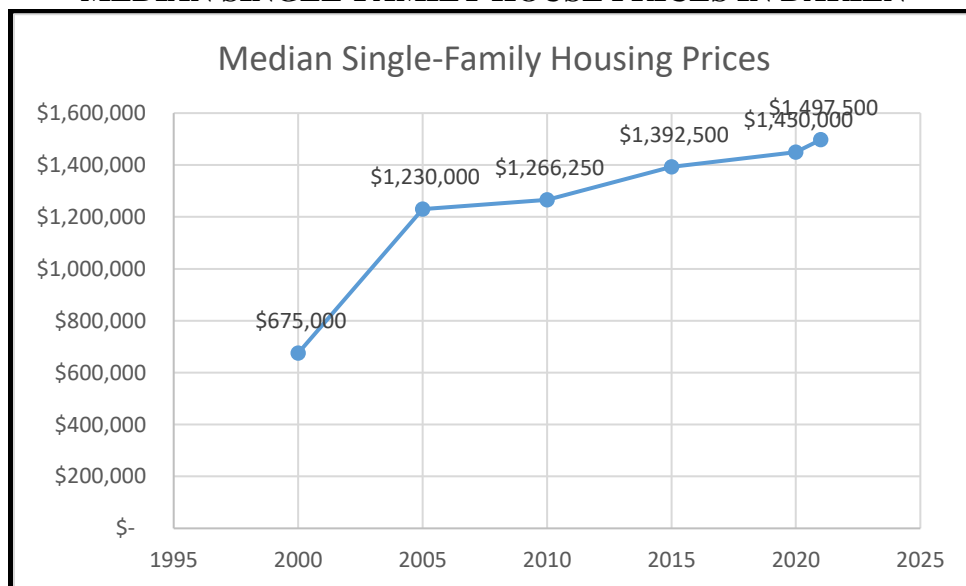
**EXHIBIT 3-3  
UNITS BY HOUSEHOLD SIZE, BY TENURE**



Source: Western Connecticut Council of Governments (WestCOG); 2015-2019 American Community Survey

Approximately 60% of Renter occupied housing have one or two person households. Conversely, approximately 60% of Owner occupied housing have 3 or more person households. Housing size varies significantly by tenure, with renter occupied units generally having smaller household sizes.

**EXHIBIT 3-4  
MEDIAN SINGLE-FAMILY HOUSE PRICES IN DARIEN**



Source: Western Connecticut Council of Governments (WestCOG); Warren Group, 2021.

The median cost of a single family home in Darien has more than doubled in the past two decades. In 2000, it was \$675,000. By 2020, it was \$1,450,000. Since then, the cost of housing in Darien continued to accelerate due to COVID and with the low mortgage interest rates of recent years. An April 2022 Zillow.com report is that home values in Darien increased by 16% in the past year and have reached a new high with the median value of a single family home being \$1,720,306. Rental units in Darien are limited in number and are also expensive.

According to WestCOG's recent affordable housing study there are 2,190 (or 31.7%) cost burdened households in Darien. They spend more than 30% of their gross monthly income on housing expenses. 57.5% of the renters in Darien spend more than 30% of their income on housing. 27.8% of homeowners spend more than 30% of their income on housing. There is no doubt that at the upper income ranges, many residents spend more than 30% of their income on housing because they want to, rather than having to do so.

**EXHIBIT 3-5  
HOUSING COSTS AS A PERCENTAGE OF HOUSEHOLD INCOME  
TOWN OF DARIEN**

<b>Monthly Housing Costs As A Percentage of Household Income in the Past 12 months</b>	<b>Occupied Housing Units</b>	<b>%</b>	<b>Owner-Occupied Housing Units</b>	<b>%</b>	<b>Renter-Occupied Housing Units</b>	<b>%</b>
Less Than \$20,000	306	4.5%	193	3.2%	113	12.8%
Less than 20 Percent	0	0.0%	0	0.0%	0	0.0%
20-29 Percent	0	0.0%	0	0.0%	0	0.0%
30 percent or more	306	4.5%	193	3.2%	113	12.8%
\$20,000-\$34,999	252	3.7%	149	2.5%	103	11.7%
Less than 20 Percent	0	0.0%	0	0.0%	0	0.0%
20-29 Percent	39	0.6%	26	0.4%	13	1.5%
30 percent or more	291	4.3%	175	2.9%	90	10.2%
\$35,000 to \$49,999	225	3.3%	138	2.3%	87	9.9%
Less than 20 Percent	0	0.0%	0	0.0%	0	0.0%
20-29 Percent	37	0.5%	37	0.6%	0	0.0%
30 percent or more	188	2.7%	101	1.7%	87	9.9%
\$50,000-\$74,999	432	6.3%	285	4.8%	147	16.6%
Less than 20 Percent	31	0.5%	15	0.3%	16	1.8%
20-29 Percent	105	1.5%	62	1.0%	43	4.9%
30 percent or more	296	4.3%	208	3.5%	88	10.0%
\$75,000 or more	5630	82.2%	5197	87.2%	433	49.0%
Less than 20 Percent	3491	51.0%	3302	55.4%	189	21.4%
20-29 Percent	952	13.9%	860	14.4%	92	10.4%
30 percent or more	1187	17.3%	1035	17.4%	152	17.2%

Zero or Negative Income	20	0.3%	11	0.2%	9	1.0%
No Cash Rent	30	0.4%	X	X	30	3.4%

*Source: Western Connecticut Council of Governments (WestCOG).*

The biggest impediment to creating more housing and lower cost housing in Darien is the limited amount of land that is available. High land cost inhibits naturally occurring affordable housing. Existing older homes are frequently bought by investors or builders who renovate and add to them to the maximum extent allow by the Regulations so that they can maximize their return on investment as they resell or rent the dwelling. This eliminates the availability of moderate cost entry level housing for first time home buyers and ‘middle’ housing.

**EXHIBIT 3-6  
PROGRESS TOWARDS 10% AFFORDABLE HOUSING  
TOWN OF DARIEN**

<b>Darien Progress towards 10% Affordable Housing CGS 8-30g</b>							
<b><u>Year</u></b>	<b><u>Governmentally Assisted Units</u></b>	<b><u>Tenant Rental Assistance</u></b>	<b><u>CHFA/USDA Mortgages</u></b>	<b><u>Deed Restricted</u></b>	<b><u>Total Assisted</u></b>	<b><u>Census Housing Units</u></b>	<b><u>Percent Affordable</u></b>
2002	83	0	4	0	87	6,792	1.28%
2005	91	0	1	32	124	6,792	1.83%
2010	91	0	1	80	172	6,792	2.53%
2015	136	6	1	95	238	7,074	3.36%
2020	136	10	2	104	252	7,074	3.56%

*Source: Western Connecticut Council of Governments (WestCOG); CT Department of Housing Affordable Housing Appeals Lists*

Although considerable progress has been made in achieving more affordable housing in Darien, more work is needed. Approximately 455 more affordable housing units will need to be created to reach the target of 10% as noted in Connecticut General Statutes Section 8-30g. That number will increase as the total number of dwellings in the community increases.



## Chapter 4--Land Use and Zoning Assessment

One of the many factors affecting housing supply and pricing is local zoning. This Chapter looks at the role zoning plays in Darien's housing, and some of the more recent changes that have been adopted by the Planning & Zoning Commission in order to increase housing stock and housing diversity.

### **Darien's Historic Development patterns**

Zoning was first adopted in Darien in 1925. As noted in Chapter 2, Darien has traditionally had its higher density housing closest to the Noroton Heights and Darien train stations. Water and sewer service were also used as a guide for development. More recently, since the mid-1980s, a strong emphasis has been placed on increasing housing diversity and deed-restricted affordable housing.

### **Zoning Changes in the 1980s and 1990s**

One of the most important zoning changes in the 200+ year history of Darien was the creation of the Designed Business and Residential (DBR) overlay zone, which allowed the construction of multi-family housing/condominiums. This quickly led to the development of five different condominium complexes: Villager Pond (37 units); Middlesex Commons (60 units); Sedgwick Village (22 units); Darien Close (21 units); and Pine Brook (20 units) within a ten year time frame in the 1980s. It created over 160 condominium units within in a relatively short period of time.



*Pine Brook condominiums*



*Villager Pond condominiums*

Soon thereafter, in the early 1990s, was the construction of Clock Hill Homes, a thirty unit moderate income owner-occupied project on Town-owned property. It is 30 units on 2.2 acres also within the DBR Zone, and walkable to downtown and the Darien Train Station.

**EXHIBIT 4-1  
CONDOMINIUM PROJECTS CONSTRUCTED 1980-1995**

<b><u>PROJECT NAME</u></b>	<b><u>LOCATION</u></b>	<b><u>NUMBER OF UNITS</u></b>	<b><u>SITE ACREAGE</u></b>	<b><u>ZONING DISTRICT</u></b>
<b><u>Condominiums</u></b>				
Pine Brook	<i>Old King's Hwy. North</i>	20	5.2	DBR/DB
Middlesex Commons	<i>Hale Lane</i>	60	10.5	DBR/DB
Villager Pond Includes 2 income-restricted units	<i>Boston Post Rd.</i>	37	4.4	DBR/DB
Sedgwick Village	<i>Old King's Hwy. North</i>	22	3.2	DBR/DB
Darien Close	<i>Old King's Hwy. North</i>	21	2.7	DBR/DB
<b><u>Town-owned projects</u></b>				
Clock Hill Homes (moderate-income condominium units)	<i>Gideon Lane</i>	30	2.2	DBR/DB

*Source: Darien Planning & Zoning Department and 1995 Town Plan of Development.*

In the late 1990s, the Commission made modifications to the Service Business (SB) zone to allow assisted living facilities by Special Permit. That zoning change resulted in the redevelopment of 50 Ledge Road into Atria, an 86 unit assisting living facility. In subsequent years, other zoning amendments and Planning & Zoning Commission approvals resulted in the change from Mediplex to Maplewood at 599 Boston Post Road, and the redevelopment of an office building at 1 Parklands to the Residence at Selleck's Woods.

**Zoning Changes 2000 through 2020**

The 2000s have brought with it a strong focus on deed-restricted affordable housing. Other focuses have included mixed-use and “transit oriented development”—i.e. Development near the two train stations in Town. This reinforces Darien’s long-time emphasis on higher densities in the transit-accessible areas.

In 2004, the Grove Street Plaza project was constructed in the CBD Zone, after the Commission changed the zoning designation of a number of small parcels on the north side of Grove Street in downtown Darien. This project consisted of two mixed use buildings. The upper floors on each of the buildings have residential apartments of various sizes—a total of 10 in all. As noted in the 1995 Town Plan, apartments in downtown may provide “desirable housing alternatives for childless households, both young and old, who may work in the business area or who desire the convenience which such a location offers. It also has the advantage of introducing a night-time population that add to the security as well as the variety of life in the business areas.”





*Grove Street Plaza (apartments on upper floors)*

In 2007, the Commission created a new zoning district—the DCR Zone, which rezoned the Procaccini property off of Hoyt Street/Wakemore Street. This allowed the property to be redeveloped into 62 market-rate condominiums, called Kensett. A subsequent zoning map change in 2015 rezoned adjacent properties from single-family to DCR allowed for the construction of Kensett Phase 2, which added 14 more market-rate condominiums and the creation of three deed-restricted affordable units at 269 Hoyt Street.

In 2009, the Darien Housing Authority was seeking to redevelop the Allen O'Neill property on Noroton Avenue/Elm Street. The single-family cape-style homes and apartment building were redeveloped into four-plexes. The property was rezoned from R-1/3 (single-family residential) to DMR (Designed Multi-family Residential) for The Heights at Darien. Via the zone change and the Commission's subsequent site plan and special permit approval, the density changed from 53 units to 106 units.

The Commission believed that an increase in allowable density was appropriate when they created the Noroton Heights Redevelopment Zone. This would allow for mixed-use development at a higher density than historically allowed across the street from the Noroton Heights Train Station. Since that time, redevelopment projects have been underway, with the Federal Realty project starting to lease out rental apartments starting in June/July 2022.

In 2016, the Commission placed the Municipal Use (MU) floating zone over the property at 701-719 Boston Post Road to accommodate the redevelopment of Old Town Hall Homes into The Royle at Darien. The number of units on that property was increased from 30 to 55. This is the second Darien Housing Authority property that was redeveloped in the 2000s.



*The Royle at Darien*

Another significant zoning change was the establishment of the CBD-CS zone--the Corbin Subarea within the CBD zone. This is an area which is 2-3 blocks from the Darien Train Station in Darien's downtown. This change in the Regulations and the subsequent special permit and site plan approvals allowed for an increase in building height and will result in the creation of over 100 multi-family units on upper floors in a number of different buildings. Related to that project, in 2018 the Commission created the Special Needs (SN) Overlay Zone and applied it to 26 East Lane (Section 450 of the Regulations). This allowed for the establishment of 12 deed-restricted affordable units for developmentally / intellectually disabled young adults. These units will serve as most of the inclusionary zoning requirement for the Corbin District project.

### **Inclusionary Zoning**

A zoning regulation amendment which led to the creation of deed-restricted affordable units was the creation of Section 580 of the Zoning Regulations—Inclusionary Zoning. This regulation was first adopted in 2009, and has been amended many times since then, including in: 2010, 2011, 2012, 2016, 2017, and 2021. As it currently reads, the inclusionary zoning regulation requires the creation of 14% of the total number of dwelling units for each five units created. Those units must be set as deed-restricted affordable for those making 80% of State Median Income (SMI) or less. A fee in-lieu provision also exists within the regulation. Darien is one of the few communities in the State of Connecticut to have inclusionary zoning (which is specifically authorized under CG 8-2i). Darien has specifically created the following units shown in Exhibit 4-2 below.

**EXHIBIT 4-2  
INCLUSIONARY UNITS IN DARIEN**

<b><u>PROJECT NAME</u></b>	<b><u>LOCATION</u></b>	<b><u>NUMBER OF UNITS</u></b>	<b><u>YEAR BUILT</u></b>	<b><u>ZONING DISTRICT</u></b>
Kensett Phase II	269 Hoyt Street	3	2014	DCR
Knobel Hill	Settler's Trail/ 67-69 Leroy Avenue	2	2015	AS (Active Sr. Overlay)
Landing on Post	1897 Boston Post Road	1	2022	NB
Corbin District/ Penny's Place	26 East Lane/ Boston Post Road	12 2	2021 2023	SN CBD-CS
Federal Realty	Heights Road	16	2022	NHR
	3 Parklands Drive	8	??	DOMR
Noroton Heights Shopping Center.	Heights Road	8	??	NHR

*Note: 3 Parklands Drive and Noroton Heights Shopping Center are approved, but not yet constructed.  
Source: Darien Planning & Zoning Department.*

**Zoning Changes 2020 through Present**

As the Town of Darien has made meaningful strides in diversifying its housing stock and creating affordable housing, housing advocates and legislators at the State level have put increased pressure on municipalities throughout the entire State to address housing supply and housing affordability. A bill passed in the legislature, Public Act 21-29, included a number of provisions and requirements. That Public Act is Appendix B of this Plan.

First, was to require communities to eliminate minimum apartment size standards in their zoning regulations. The Darien Planning & Zoning Commission accomplished this in August and November 2021, eliminating the minimums in the DBR, DMR, 3.7AH and LW zones. (Although of note, in 2009 the Commission did approve the Garden Homes 8-30g project that contained units as small as 400 square feet).

Second, Public Act 21-29 also required communities to establish certain parking standards for multi-family housing, or formally opt-out of that requirement. The Commission did opt-out, but did greatly reduce the requirements for multi-family housing, which was 2 ½ spaces per unit, but has been reduced in Section 904 of the Zoning Regulations to be 1 space per each studio unit; 1.5 spaces for each 1-bedroom unit; 2 spaces for each 2-bedroom unit; and 2.5 spaces for each 3+ bedroom unit.

Third, the Commission must decide how to address accessory dwelling units (ADUs). Public Act 21-29 requires Commissions to either incorporate the standards created in the bill, or opt-out. A decision will be made by the Commission sometime between July and December 2022.

Also in August 2021, a noteworthy zoning change was made. This was to create a new Designed Office Multi-family Residential Overlay Zone (Section 460 of the Zoning Regulations). This overlay zone allows multi-family dwellings by Special Permit in the Designed Office zones of Darien. In early 2022, the overlay district was “landed” on the 3 Parklands Drive property, and subsequently, a 60 unit apartment building was approved by the Commission. Other Designed Office (DO) property owners can also apply to the Commission to seek approvals to “land” that overlay zone.

### **Summary**

As one can see from the above, The Planning & Zoning Commission has had great success in changing the zoning map and regulations through the years to diversify its housing stock, and to create deed-restricted affordable housing. An example of the progress made can be found not only on the constructed projects mentioned in this Chapter, but also in the two moratoria achieved—one in 2010 and the other in 2016. Those are referenced elsewhere in this document, and reflect a success in developing affordable housing within Darien in recent years.

## Chapter 5—Plan Principles and Goals

This Affordable Housing Plan is to supplement the 2016 Plan of Conservation and Development (POCD), not replace it. The Principles and Goals as stated in the 2016 POCD are still applicable and are the adopted and stated goals and policies of the Darien Planning and Zoning Commission. From Chapter 10, Manage Residential Development of the POCD, they can be summarized as follows:

- Maintain the residential character of the community. Although Darien is predominantly developed as single-family residences and neighborhoods, there is a range of housing types to meet the broad array of the housing needs of a varied and changing population. Higher densities are near the train stations located in Noroton Heights and in downtown Darien. The density is reduced as the distance from these centers and the Boston Post Road (Route 1) increases.
- The Planning and Zoning Commission will continue to review the Residential Zoning provisions, including but not limited to, district locations and boundaries, building height restrictions, setback, bulk, land coverage, as well as other regulations that govern the size and locations of structures in the residential zones.
- Darien will continue to diversify the housing portfolio to address the needs of an aging population and other various groups that already do, or want to be able to, reside in the community. Not all of that varied housing types will be ‘affordable’ as defined by the Statutes, much of it will be less expensive than the typical single family detached dwelling on a separate lot that constitutes approximately 90% of the housing in Darien.

### **Amendments of the State Statutes**

The goals and principles need to recognize and incorporate the changes to State Statutes that enable Darien to have local zoning regulations because Darien’s governmental authority is derived from the State. The ability of the Town to regulate the use of land and structures, to control the subdivision of land, to control the location and installation of public infrastructure, and all the other aspects of land use regulations, all comes to the Town from the State of Connecticut. All of the Town’s regulations and practices must be in compliance with, and not contrary to, the authority granted to the Town by the State.

In 2021, Public Act No. 21-29 was adopted by the Connecticut State Legislature and was signed into law. It is more commonly referred to as PA 21-29. A copy is included in this Plan as Appendix B. It includes numerous changes and amendments with respect to the Zoning enabling statutes. Most significantly, with respect to affordable housing, it requires each municipality:

- To create and adopt an Affordable Housing Plan that will result in the creation of more affordable housing units in accordance with existing Section 8-30g of the Statutes; and
- To adopt regulations that permit ‘accessory apartments’ as defined by PA 21-29 to be allowed as a right on any property that has just a single family dwelling, or by January 1, 2023 to opt-out of that requirement;

- To have zoning regulations that shall address significant disparities in housing needs and access to educational, occupational and other opportunities, as well as affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 *et. seq.*; and
- To modify the manner in which dwelling units are counted when comparing the total number of dwellings in a community to the number of affordable housing units in that municipality (accessory apartments will not count in the total number of dwelling units).

### **Affordable Housing pursuant to CGS Section 8-30g**

CGS Section 8-30g of the Connecticut General Statutes is explained in great depth in the Town of Darien Affordable Housing Plan as approved by the Board of Selectmen on August 24, 2009. Rather than repeating that information in full, Section 8-30g is simplified and summarized here.

An affordable housing unit is a deed restricted dwelling unit that will only be sold or rented to a family whose income is 80% or less of the State Median Income (SMI) and the cost to own or rent the unit will be no more than 30% of the income of the qualified family. The deed restriction shall last for at least 40 years. When an application is submitted to the local land use agency with at least 30% of the total number of dwelling units set-aside as ‘affordable’ (at least 15% of the dwelling units set aside for families with an income of no more than 60% of the SMI and at least another 15% of the units set aside for families with no more than 80% of the SMI), it is a set-aside development and the local agencies must give the proposed development special treatment due to the need for affordable housing.

Rather than denying the set-aside development application, the local Planning & Zoning Commission is to waive restrictions or requirements that would preclude the affordable housing and to make reasonable modifications to the application to address their concern(s) because if it is denied, the applicant can appeal to Superior Court. Then the burden of proof falls upon the Planning & Zoning Commission to prove that the need to protect public health or safety outweighs the need for affordable housing and the public health or safety interest cannot be protected by reasonable changes to the application. The usual reasons for denial - restrictions such as setbacks, density, height, community character, permitted use, off street parking, etc., are not suitable grounds to withstand an appeal in the case of an affordable housing set-aside development. In that way, such set-aside developments are able to override the typical zoning restrictions. Another aspect of 8-30g is that if an application is denied, the applicant can modify and resubmit the proposal and it is to be treated as an amended plan rather than a new application. This provision was intended to provide another option to developers/builders, rather than only an appeal to Court.

Section 8-30g notes that if 10% of housing within the community is ‘affordable’, then the community is no longer subject to the provisions of 8-30g. Thus 10% affordable housing is seen by some as the goal to be achieved. Others see the 10% as the minimum that needs to be accomplished, but not the final goal.

Section 8-30g includes provisions for a potential moratorium, a “Certificate of Affordable Housing Completion” for a community that increases that amount of affordable housing units by 2% or more of the total housing units in the community. There is a Housing Unit Equivalent

(HUE) point system depending on the type of affordable units (rather than each unit counting as one point). A table of the HUE points is included as Appendix 5-2. The moratorium lasts for four years, during which applications for affordable housing development are not subject to the procedures for appeals to the Superior Court.

One of the problems with the target of achieving 10% or more of the housing units to be ‘affordable’ is that the total number of housing units in the community continues to grow. In many cases, owners create small developments that are under the size that would mandate some affordable housing. Even in the cases where a set-aside development has 30% of the units qualified as affordable, the project also has 70% of the units available at market rate. This increase in the total number of units means that more affordable housing units must be created in order to reach the target of 10%.

Despite this argument about “moving the goalposts”, Darien has successfully applied for and obtained two moratoria. These were made possible for the most part by the redevelopment of the Heights of Darien (formerly Allen O’Neill Housing) and the The Royle at Darien (formerly The Old Town Hall Homes), as well as private developments such as Avalon Darien on Hollow Tree Ridge Road and numerous other developments that created deed-restricted affordable housing units as a result of the incentive and inclusionary housing amendments incorporated into the Darien Zoning Regulations.

The Planning and Zoning Commission agrees with the statement within the 2009 Town of Darien Affordable Housing Plan -

“The Board of Selectmen has, therefore, determined that it is in the Town of Darien’s interest to obtain moratoria as allowed by 8-30g to enable the Town to plan and develop affordable housing in a manner that best suits the community.”

### **Public Act No. 21-29 (PA 21-29)**

With respect to ‘affordable housing’, Public Act No. 21-29 includes the following definitions:

- “Accessory apartment” means a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations.
- “Affordable accessory apartment” means an accessory apartment that is subject to binding recorded deeds which contain covenants or restrictions that require such accessory apartment be sold or rented at, or below, prices that will preserve the unit as housing for which, for a period of not less than ten years, persons and families pay thirty percent or less of income, where such income is less than or equal to eighty percent of the median income.
- “As of right” means able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action

be taken, other than a determination that a site plan is in conformance with applicable zoning regulations.

These are new definitions that must be incorporated into the Darien Zoning Regulations.

The requirement for accessory apartments

In accordance with new Section 6 found on page 13 of Appendix 5-1, PA 21-29 requires that Zoning Regulations **shall be amended to allow, as-of-right** on each lot that contains a single family dwelling, **at least one Accessory Apartment.**

- The accessory apartment shall not be required to be an affordable accessory apartment.
- The accessory apartment shall be on the same lot as the principle dwelling and may be attached, or detached from, or part of the principal dwelling.
- The Regulations can specify the allowed maximum size of the accessory apartment provided it is at not less than 30% of the floor area of the principle dwelling or 1000 square feet, which ever is less.
- The Regulations can have setbacks, lot size, building frontage, height, landscaping and architectural design standards that are no more restrictive than for a single-family dwelling, but can allow lot coverage greater than what is required for the principal dwelling.

The regulations allowing accessory apartments cannot require

- a passageway /connection between the accessory apartment and the principal dwelling, or
- an exterior door for the accessory apartment or
- more than one parking space or fees in lieu of parking, or
- a familial, marital or employment relationship between occupants of the dwellings, or
- a minimum age for occupants, or
- separate billing of utilities, or
- periodic renewals for permits for the accessory apartment.

The Building Code requirements are still applicable. Fire sprinklers cannot be required if they would not be required for a single-family dwelling on the same lot.

The municipality can prohibit or limit the use of the accessory apartment for short term rental or vacation stays.

If a drinking water well or private sewerage system is being used, the approval for an accessory apartment shall not be unreasonably withheld. (In Darien, the adequacy of the residential well and on-site septic system is within the jurisdiction of the Health Department.)

The as of right application for an accessory apartment needs to be acted upon within 65 days of receipt.

The approval of an accessory apartment cannot be conditioned upon the correction of a nonconforming use, structure or lot.

If, by January 1, 2023, the municipality does not adopt new regulations to allow and permit accessory apartments as of right,

**OR**

If by January 1, 2023, the municipality does not properly opt-out of the provisions of the Statute, then any noncompliant existing regulations shall become null and void and any application for accessory apartment shall be approved or denied only based on the Statute. A municipality may not use or impose additional standards beyond those set forth in the Statute.



Accessory apartments built after January 1, 2022 and per this Statute shall not be counted in the total number of dwelling units within the community with respect to calculating the percentage of affordable housing units.

No municipality may opt-out of the accessory apartment provisions of the Statutes on or after January 1, 2023. In order to opt-out, there is a two-step process.

First, the Planning and Zoning Commission must:

- Conduct a public hearing on such proposed opt-out; and
- Affirmatively decide to opt-out in accordance with the time permitted by Section 8-7 of the Statutes; and
- State upon its records the reasons for such decision; and
- Have a vote of at least two-thirds of the Commission to opt-out; and
- Properly publish a legal notice of decision in an appropriate newspaper.

Second, then the municipality's legislative body (in Darien's case, the Representative Town Meeting (RTM)), by a two-thirds vote to opt-out, would need to complete the process by January 1, 2023. If the opt-out process is not completed by January 1, 2023, then it is no longer possible to opt-out. At that point, any proposed accessory apartments must be approved if they comply with the provisions of the Statutes.

It should be noted that the requirement for accessory apartments is not necessarily to create any 'affordable' (deed-restricted affordable) dwelling units. The accessory apartments allowed as-of-right cannot be required to be affordable. Accessory apartments would likely, however, create more housing options and choices for people who want to reside in Darien. If the supply of housing units is increased, even if it is not sufficient to satisfy all of the demand, it will provide some people with the opportunity to live in Darien that is not currently possible.

Failure to take action with respect to accessory apartments will result in the Statute being implemented and accessory apartments being allowed as of right, without any local regulation. It is therefore appropriate that the Darien Planning and Zoning Commission promptly take two courses of action with respect to accessory apartments.

1. Discuss whether the Commission wants to commence the process to opt-out of the Statute regarding accessory apartments. If that is the case, a detailed time schedule will be needed for the Commission to hold a public hearing and take action, and still leave time for action needed by the Representative Town Meeting (RTM).
2. Draft proposed amendments to the Darien Zoning Regulations that will allow accessory apartments as of right in accordance with PA 21-29 and conduct a public hearing regarding the proposed amendments.

By following both courses of action, the Commission will be prepared to adopt accessory apartment regulations prior to January 1, 2023, or to opt-out in accordance with the Statute. If the Commission begins the opt-out process, it should be prepared to adopt accessory apartment regulations in case the RTM does not choose to opt-out by at least a two-thirds vote by the January 1, 2023 deadline.

### **Other possible changes to the Zoning Regulations**

PA 21-29 does change the criteria for having local zoning regulations by making it a requirement that the regulations shall address significant disparities in housing needs and access to

educational, occupational and other opportunities, as well as affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 *et seq.*

The Commission will need to review the regulations and coordinate with Town Counsel to make sure that all portions of the Zoning Regulations are in compliance with the applicable provisions of the federal Fair Housing Act. During that review, any disparities in housing needs and access to educational, occupational and other opportunities need to be considered and the incentive and inclusionary provisions of the zoning regulations may need to strengthened and broadened.

## **Chapter 6--Strategies and Actions for Implementation**

This chapter focuses on strategies relative to affordable housing.

### **Implementation**

The Planning and Zoning Commission will review in September of each year its activities in furtherance of these strategies and actions for implementation with a goal of substantial action occurring on or before September 2027.

### **Proposed Modifications to Zoning Regulations**

1. Consider amending the Zoning Regulations to increase the allowed density (number of units allowed per acre) within the Zoning Regulations so that existing multi-family developments might take advantage of the reduction of required on-site parking spaces. This could be in the DBR, DCR and DMR zones. Require that some or all of the additional units be ‘affordable’ in accordance with Section 580 Inclusionary Zoning. In some instances where there is limited land area, the allowable Building Coverage and /or other limitations might need to be modified to permit the creation of affordable units. In many instances, the existing condominium development has been completed and the responsibilities of property ownership and maintenance has been turned over to the Home Owners Association. This might make it more difficult to coordinate the expansion project. In other instances, such as Avalon Darien at 137 Hollow Tree Ridge Road, the fact that the housing consists of rental units, means that the single owner of the entire site will have an easier opportunity to plan for, finance and construct additional units.
2. Consider creating a new land use that is permitted in the residential zones, subject to Site Plan approval from the Planning and Zoning Commission. The use would be a single affordable ancillary apartment allowed on each lot. An applicant would need to demonstrate that the site and use has adequate sewer/septic, water, setback, on-site parking, and would comply with all other aspects of the Health Code, Zoning Regulations and Building Code. Deed restrictions to comply with Section 8-30g of the Statutes would need to be filed in the Darien Land Records and annual verification by the property owner would be required.
3. Consider the creation of a new overlay or floating Affordable Housing Zone, modeled after Section 450 – Special Needs Housing overlay zone and Section 540 -3.7 Acre Hollow Tree Affordable Housing Zone. The intent would be to set forth the criteria and incentives for affordable housing developments so that potential developers of such housing, both public and private, could acquire and assemble the property(ies) that qualify due to land area, transit orientation, sewer, water, vehicular and pedestrian access, etc.

### **Amendments to Inclusionary Zoning Regulations—Section 580**

1. Review Darien Zoning Regulations for assurance that all of the affordable housing units required by the Regulations are to be built and maintained in Darien. A recommendation in the WestCOG draft affordable housing plan includes the possibility that if a community lacks sufficient sewer, water, public transportation, job opportunities or other features that would be appropriate for affordable housing, then that the community could fulfill its responsibility to create affordable housing by having some of the units built in a different community. While this might be appropriate in some instances for some communities, it is not appropriate for Darien. The Darien Zoning Regulations do have provisions that allow the Commission to permit the affordable housing units to be constructed at a different property from the main development. For example, Section 588d does allow such off-site creation of affordable housing units, but it specifies that the alternative site must be in Darien. All of the regulations must be reviewed, and amended if necessary, to make this requirement consistent. As new provisions regarding the creation of affordable housing are added to the Regulations, they too must make it clear that the affordable units must be built within Darien.
2. Continue to implement the Inclusionary zoning requirements of Section 580 of the Darien Zoning Regulations. This section requires that any development that results in 4 or more units of housing shall have at least 14% of all of the proposed residential units be ‘affordable’ and in compliance with the provisions of Section 8-30g of the Connecticut General Statutes. Re-examine the requirements and incentives to determine if there is more that can be done to create more affordable housing.

### **Potential Modifications to Zoning Map**

1. Evaluate the potential areas that are somewhat isolated neighborhoods and areas adjacent to transit facilities that could be converted from single-family residential or business uses, to become affordable housing zones. The more areas that qualify for affordable housing redevelopment, the better. Specifying only a few such areas, or rezoning them without an actual proposal to redevelop them, would result in higher land acquisition costs. Rather than naming such areas in this report, it is best that the Commission discuss and agrees upon a strategy before disclosing any particular areas.
2. Work with owners of business and commercial properties and create and improve the incentives within the Darien Zoning Regulations for them to develop or redevelop their commercial properties to have business uses on the ground floor and residential uses, including affordable housing, on the upper floors in areas like downtown and Noroton Heights and Noroton business areas. Also note that the changes of the economic conditions and business practices have resulted in previous land uses, such as office parks and large office buildings being outdated and now could be redeveloped with a substantial affordable housing component.
3. Work toward the next Section 8- 30g moratorium by establishing more and more affordable housing. In order to obtain the next moratorium, Darien must establish

approximately 100+/- additional affordable housing units. (NOTE: State Statutes and Regulations require that moratoria be based upon a “point” system, and not a strict number of units constructed, as certain types of units are worth more or less than one point). The moratorium is not the final goal, it is merely a measured step in the right direction. It does provide to the community a sense of security that affordable housing has been, and will be, achieved by choice rather than being forced upon them. As noted in other Chapters of this document, Darien has achieved two four-year moratoria in the past, and the next moratorium achieved will be its third. As of this writing, no other community in the State of Connecticut has achieved three moratoria.

### **Accessory Dwelling Units (ADUs)/Accessory Apartments**

1. Draft and adopt amendments to the Darien Zoning Regulations regarding Accessory Apartments (often referred to as Accessory Dwelling Units - ADUs) as a permitted use in the residential and business zones. Public Act 21-29, Section 6 requires that one accessory apartment be allowed as of right on each lot that contains a single family dwelling and also specifies that no such accessory apartment shall be required to be an affordable accessory apartment. There are many other provisions regarding the accessory apartment contained within Public Act 21-29. The complete text is included in Appendix 7a. The Commission can adopt changes to its regulations that are not contrary to or inconsistent with the Statutes. If the regulations are not amended by January 1, 2023, then any noncompliant provisions of the regulations (in the case of the Darien Zoning Regulations – the provisions that limits one dwelling unit per lot in the single family zones and requires two on-site parking spaces per dwelling) shall be considered null and void and any application for an accessory apartment shall be acted upon based only on the provisions of the State Statues (not the local zoning regulations). The Statute does contain an ‘opt out’ provision regarding accessory apartments. The process must be completed by the Planning and Zoning Commission and municipality’s legislative body before January 1, 2023.

(It should be noted that allowing accessory apartments per PA 21-29 will not create any affordable housing as defined by Section 8-30g. The value of a rental unit in Darien is very high due to high demand and low supply. In theory, an accessory apartment might have a rental market value that is low enough to be ‘affordable’ but more likely, the rental value will be considerably higher than the limits of 8-30g. Unless the owner of the property chooses to screen the tenants to comply with the income limitations of Section 8-30g and also files a deed restriction in the Land Records regarding the use of the apartment as an affordable unit, the Statute requiring accessory apartments will not create any affordable units in Darien. Accessory Apartments as defined in PA 21-29 would create more dwelling units and thus would increase the supply of available units that would theoretically bring down the cost for someone to be a renter living in Darien. It would however, increase the cost of buying a residence in Darien because each property would have the potential of having an income generating apartment.)

2. Prepare and distribute to Darien property owners, information about the process of establishing an accessory apartment and complying with all aspects of the applicable rules and regulations.

### **Financing/Funding of Affordable Housing**

1. Work with the Board of Selectmen to increase funding of the existing Housing Trust Fund. The primary objective would be to have sufficient funds available so that when sites where affordable housing could be developed become available, the Town would be able to acquire the land and prepare it for affordable housing. The Housing Trust Fund could also be used to maintain and redevelop existing affordable housing units. Methods to increase the Trust Fund include, but are not limited to:
  - Dedicating a portion of Zoning/Building permit fees or increasing those fees;
  - Increasing land conveyance and filing fees in Darien Land Records;
  - Appropriation by the Town in the annual budgetAll of these will require action by, and coordination with, the Board of Selectmen, Board of Finance and the Representative Town Meeting (RTM).
2. Work with the Board of Selectmen regarding the long-term plan to coordinate and manage the creation, monitoring and reporting of affordable housing. Much of the responsibility now rests with the Land Use Department. Decisions need to be made whether it should remain that way or if the Town would be better served by the shifting of the responsibilities to the Darien Housing Authority, the Selectmen, a new Housing Department, or some other entity that would have the expertise and be dedicated to affordable housing.

### **Acquisition of Land**

In Darien, one of the constraints of establishing/creating affordable housing are the land costs. Below are some recommendations regarding land acquisition—a key component of affordable housing creation.

1. Investigate the purchase of ‘surplus’ land of Connecticut DOT and any / all other State departments and or agencies for development of affordable housing. Even if the Town cannot acquire the property in fee simple, it might be possible to obtain a long-term lease from the State or to work in conjunction with the State for the development or redevelopment of that land to have the dual use of the site(s) so that it could include affordable housing.
2. Investigate the purchase of ‘surplus’ land of Eversource /CL&P, Aquarion Water Company and any / all other utilities or agencies for development of affordable housing. Even if the Town cannot acquire the property in fee simple, it might be possible to obtain a long-term lease from the utility or to work in conjunction with the utility for the development of or redevelopment of that land to have the dual use of the site(s) to include affordable housing.

3. Investigate potential acquisition of ‘surplus’ land of the Town and/or Board of Education. Note that Connecticut General Statute 7-131n<sup>1</sup> provides that if dedicated parkland is to be used for another purpose, then replacement parkland of comparable area and quality must be substituted for the land being taken. Most, if not all of Darien’s parkland under the jurisdiction of the Parks and Recreation Commission has already been dedicated, thus it would not be easy to convert it to use as affordable housing. Town land that has not been dedicated as parkland does include Highland Farm at the northern end of Middlesex Road. It is a large, fairly flat property that is not served by public water or sanitary sewers. It is currently being used for passive and active recreation purposes. There are a number of restrictions and limitations regarding the use of the site. Further investigation of those factors is needed before it could be considered for affordable housing. The Board of Education has little or no ‘surplus’ land that is known, but this matter should be investigated further so that any available land could be acquired and used for affordable housing. Much of the excess Board of Education properties need to be reserved for potential additions/alterations to the schools, and associated athletic fields, playgrounds and parking.
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**FOOTNOTE 1: CGS 7-131n reads as follows:**

**Sec. 7-131n. Taking of land previously intended for use as park or for other recreational or open space purposes.** If any municipality takes any land, for highway or other purposes, which land was purchased for park or other recreational or open space purposes, or for which bonds were issued for such purposes, or which had been dedicated for such purposes, such municipality shall provide comparable replacement land at least equal in value and per unit area size to the value and per unit area size of the land taken; provided before such municipality takes such land for highway or other purposes it shall hold a public hearing in addition to any public hearing required by section 13a-58 or by any other section of the general statutes or by any special act or city charter. At such public hearing and in the notice thereof, the municipality shall set forth the description of the land proposed to be taken and the proposed use of such land, any reasons for the proposed taking of the parkland rather than other land and the description of the replacement land to be provided. The municipality shall give notice of the time and place of such hearing by publication in a newspaper having a substantial circulation in such municipality, such notice to be given at least twice, at intervals of not less than two days, the first not more than fifteen days nor less than ten days and the second not less than two days before such hearing and such hearing shall be held within a period of not more than thirty and not less than fifteen days after any other public hearing required by section 13a-58 or by any other section of the general statutes. For purposes of this section “municipality” means any town, city or borough, or other political subdivision of the state.

4. Work in conjunction with Habitat for Humanity and/or similar non-profit housing agencies to create affordable housing. This could take the form of the Town acquiring property or properties that are blighted and in need of cosmetic work and possibly some minor structural repair. If the blighted property is in need of major structure repair or if it is small structure on a sizeable property, then it might be appropriate to knock down the building and work with Habitat for Humanity or other agency to construct several affordable units on the site. It might require variances from the Zoning Board of Appeals or amendments of the Zoning Regulations to accomplish the redevelopment of the site.
5. The Town should consider the purchase of sites with appropriate characteristics to accommodate affordable housing. The site(s) could then be conveyed to the Darien Housing Authority for implementation of affordable housing projects of a scale and character and quality that would be appropriate for the site and the surroundings. The

DHA would also provide long-term management and maintenance of the affordable housing, as it does now for the Heights at Darien and The Royle at Darien projects.

6. Expansion of the existing Darien Housing Authority (DHA) projects. The Darien Housing Authority owns two properties in Darien. Encourage the purchasing of property(ies) adjacent to or in close proximity to existing DHA affordable housing uses for the expansion of those developments. The management, common spaces and infrastructure of the existing facilities will need to be evaluated, but in most cases, it is likely that the expansion can be accommodated more easily than creating a separate project. Funding for such land purchases could possibly come from the Affordable Housing Trust Fund (see prior recommendation).



## Appendix A--HOUSING-UNIT EQUIVALENT POINTS UNDER CGS 8-30g AS APPLIED TO A MORATORIUM

### EXHIBIT A-1 HOUSING-UNIT EQUIVALENT POINTS UNDER CGS 8-30g AS APPLIED TO A MORATORIUM

<b>Type of Unit</b>	<b>Point Value Per Unit</b>
Market-rate units in a set-aside development	0.25
Elderly Units, owned or rented	0.50
Restricted to households at or below 80% of SMI	
Family units, owned, that are Restricted to households with Annual income of no more than:	
80% of SMI	1.00
60% of SMI	1.50
40% of SMI	2.00
Family units, rented, that are Restricted to households with Annual income of no more than:	
80% of SMI	1.50
60% of SMI	2.00
40% of SMI	2.50

Source: CGS Section 8-30g



## Appendix B--Public Act 21-29

### ***AN ACT CONCERNING THE ZONING ENABLING ACT, ACCESSORY APARTMENTS, TRAINING FOR CERTAIN LAND USE OFFICIALS, MUNICIPAL AFFORDABLE HOUSING PLANS AND A COMMISSION ON CONNECTICUT'S DEVELOPMENT AND FUTURE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 8-1a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) "Municipality" as used in this chapter shall include a district establishing a zoning commission under section 7-326. Wherever the words "town" and "selectmen" appear in this chapter, they shall be deemed to include "district" and "officers of such district", respectively.

(b) As used in this chapter and section 6 of this act:

(1) "Accessory apartment" means a separate dwelling unit that (A) is located on the same lot as a principal dwelling unit of greater square footage, (B) has cooking facilities, and (C) complies with or is otherwise exempt from any applicable building code, fire code and health and safety regulations;

(2) "Affordable accessory apartment" means an accessory apartment that is subject to binding recorded deeds which contain covenants or restrictions that require such accessory apartment be sold or rented at, or below, prices that will preserve the unit as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income;

(3) "As of right" means able to be approved in accordance with the terms of a zoning regulation or regulations and without requiring that a public hearing be held, a variance, special permit or special exception be granted or some other discretionary zoning action be taken, other than a determination that a site plan is in conformance with applicable zoning regulations;

(4) "Cottage cluster" means a grouping of at least four detached housing units, or live work units, per acre that are located around a common open area;

(5) "Middle housing" means duplexes, triplexes, quadplexes, cottage clusters and townhouses;

(6) "Mixed-use development" means a development containing both residential and nonresidential uses in any single building; and

(7) "Townhouse" means a residential building constructed in a grouping of three or more attached units, each of which shares at least one common wall with an adjacent unit and has exterior walls on at least two sides.

Sec. 2. Section 8-1c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(a) Any municipality may, by ordinance, establish a schedule of reasonable fees for the processing of applications by a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission. Such schedule shall supersede any specific fees set forth in the general statutes, or any special act or established by a planning commission under section 8-26.

(b) A municipality may, by regulation, require any person applying to a municipal zoning commission, planning commission, combined planning and zoning commission, zoning board of appeals or inland wetlands commission for approval of an application to pay the cost of reasonable fees associated with any necessary review by consultants with expertise in land use of any particular technical aspect of such application, such as regarding traffic or stormwater, for the benefit of such commission or board. Any such fees shall be accounted for separately from other funds of such commission or board and shall be used only for expenses associated with the technical review by consultants who are not salaried employees of the municipality or such commission or board. Any amount of the fee remaining after payment of all expenses for such technical review, including any interest accrued, shall be returned to the applicant not later than forty-five days after the completion of the technical review.

(c) No municipality may adopt a schedule of fees under subsection (a) of this section that results in higher fees for (1) development projects built using the provisions of section 8-30g, as amended by this act, or (2) residential buildings containing four or more dwelling units, than for other residential dwellings, including, but not limited to, higher fees per dwelling unit, per square footage or per unit of construction cost.

Sec. 3. Subsection (j) of section 8-1bb of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(j) A municipality, by vote of its legislative body or, in a municipality where the legislative body is a town meeting, by vote of the board of selectmen, may opt out of the provisions of this section and the [provision] provisions of subdivision (5) of subsection [(a)] (d) of section 8-2, as amended by this act, regarding authorization for the installation

of temporary health care structures, provided the zoning commission or combined planning and zoning commission of the municipality: (1) First holds a public hearing in accordance with the provisions of section 8-7d on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said sections within the period of time permitted under section 8-7d, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered.

Sec. 4. Section 8-2 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2021):

(a) (1) The zoning commission of each city, town or borough is authorized to regulate, within the limits of such municipality: [, the] (A) The height, number of stories and size of buildings and other structures; (B) the percentage of the area of the lot that may be occupied; (C) the size of yards, courts and other open spaces; (D) the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, including waterdependent uses, as defined in section 22a-93; [,] and (E) the height, size, location, brightness and illumination of advertising signs and billboards, [. Such bulk regulations may allow for cluster development, as defined in section 8-18] except as provided in subsection (f) of this section.

(2) Such zoning commission may divide the municipality into districts of such number, shape and area as may be best suited to carry out the purposes of this chapter; and, within such districts, it may regulate the erection, construction, reconstruction, alteration or use of buildings or structures and the use of land. All [such] zoning regulations shall be uniform for each class or kind of buildings, structures or use of land throughout each district, but the regulations in one district may differ from those in another district. [, and]

(3) Such zoning regulations may provide that certain classes or kinds of buildings, structures or [uses] use of land are permitted only after obtaining a special permit or special exception from a zoning commission, planning commission, combined planning and zoning commission or zoning board of appeals, whichever commission or board the regulations may, notwithstanding any special act to the contrary, designate, subject to standards set forth in the regulations and to conditions necessary to protect the public health, safety, convenience and property values. [Such regulations shall be]

(b) Zoning regulations adopted pursuant to subsection (a) of this section shall:

(1) Be made in accordance with a comprehensive plan and in [adopting such regulations the commission shall consider] consideration of the plan of conservation and development [prepared] adopted under section 8-23; [. Such regulations shall be]

(2) Be designed to (A) lessen congestion in the streets; [to] (B) secure safety from fire, panic, flood and other dangers; [to] (C) promote health and the general welfare; [to] (D) provide adequate light and air; [to prevent the overcrowding of land; to avoid undue concentration of population and to] (E) protect the state's historic, tribal, cultural and environmental resources; (F) facilitate the adequate provision for transportation, water, sewerage, schools, parks and other public requirements; [. Such regulations shall be made] (G) consider the impact of permitted land uses on contiguous municipalities and on the planning region, as defined in section 4-124i, in which such municipality is located; (H) address significant disparities in housing needs and access to educational, occupational and other opportunities; (I) promote efficient review of proposals and applications; and (J) affirmatively further the purposes of the federal Fair Housing Act, 42 USC 3601 et seq., as amended from time to time;

(3) Be drafted with reasonable consideration as to the [character] physical site characteristics of the district and its peculiar suitability for particular uses and with a view to [conserving the value of buildings and] encouraging the most appropriate use of land throughout [such] a municipality; [. Such regulations may, to the extent consistent with soil types, terrain, infrastructure capacity and the plan of conservation and development for the community, provide for cluster development, as defined in section 8-18, in residential zones. Such regulations shall also encourage]

(4) Provide for the development of housing opportunities, including opportunities for multifamily dwellings, consistent with soil types, terrain and infrastructure capacity, for all residents of the municipality and the planning region in which the municipality is located, as designated by the Secretary of the Office of Policy and Management under section 16a-4a; [. Such regulations shall also promote]

(5) Promote housing choice and economic diversity in housing, including housing for both low and moderate income households; [, and shall encourage]

(6) Expressly allow the development of housing which will meet the housing needs identified in the state's consolidated plan for housing and community development prepared pursuant to section 8-37t and in the housing component and the other components of the state plan of conservation and development prepared pursuant to section 16a-26; [. Zoning regulations shall be]

(7) Be made with reasonable consideration for [their] the impact of such regulations on agriculture, as defined in subsection (q) of section 1-1; [.]

(8) Provide that proper provisions be made for soil erosion and sediment control pursuant to section 22a-329;

(9) Be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies; and

(10) In any municipality that is contiguous to or on a navigable waterway draining to Long Island Sound, (A) be made with reasonable consideration for the restoration and protection of the ecosystem and habitat of Long Island Sound; (B) be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris on Long Island Sound; and (C) provide that such municipality's zoning commission consider the environmental impact on Long Island Sound coastal resources, as defined in section 22a-93, of any proposal for development.

(c) Zoning regulations adopted pursuant to subsection (a) of this section may: [be]

(1) To the extent consistent with soil types, terrain and water, sewer and traffic infrastructure capacity for the community, provide for or require cluster development, as defined in section 8-18;

(2) Be made with reasonable consideration for the protection of historic factors; [and shall be made with reasonable consideration for the protection of existing and potential public surface and ground drinking water supplies. On and after July 1, 1985, the regulations shall provide that proper provision be made for soil erosion and sediment control pursuant to section 22a-329. Such regulations may also encourage]

(3) Require or promote (A) energy-efficient patterns of development; [,] (B) the use of distributed generation or freestanding solar, wind and other renewable forms of energy; [,] (C) combined heat and power; and (D) energy conservation; [. The regulations may also provide]

(4) Provide for incentives for developers who use [passive solar energy techniques, as defined in subsection (b) of section 8-25, in planning a residential subdivision development. The incentives may include, but not be] (A) solar and other renewable forms of energy; (B) combined heat and power; (C) water conservation, including demand offsets; and (D) energy conservation techniques, including, but not limited to, cluster development, higher density development and performance standards for roads, sidewalks and underground facilities in the subdivision; [. Such regulations may provide]

(5) Provide for a municipal system for the creation of development rights and the permanent transfer of such development rights, which may include a system for the variance of density limits in connection with any such transfer; [. Such regulations may also provide]

(6) Provide for notice requirements in addition to those required by this chapter; [. Such regulations may provide]



(7) Provide for conditions on operations to collect spring water or well water, as defined in section 21a-150, including the time, place and manner of such operations; [. No such regulations shall prohibit]

(8) Provide for floating zones, overlay zones and planned development districts;

(9) Require estimates of vehicle miles traveled and vehicle trips generated in lieu of, or in addition to, level of service traffic calculations to assess (A) the anticipated traffic impact of proposed developments; and (B) potential mitigation strategies such as reducing the amount of required parking for a development or requiring public sidewalks, crosswalks, bicycle paths, bicycle racks or bus shelters, including offsite; and

(10) In any municipality where a traprock ridge or an amphibolite ridge is located, (A) provide for development restrictions in ridgeline setback areas; and (B) restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (i) Emergency work necessary to protect life and property; (ii) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted pursuant to this section; and (iii) selective timbering, grazing of domesticated animals and passive recreation.

(d) Zoning regulations adopted pursuant to subsection (a) of this section shall not:

(1) Prohibit the operation of any family child care home or group child care home in a residential zone; [. No such regulations shall prohibit]

(2) (A) Prohibit the use of receptacles for the storage of items designated for recycling in accordance with section 22a-241b or require that such receptacles comply with provisions for bulk or lot area, or similar provisions, except provisions for side yards, rear yards and front yards; [. No such regulations shall] or (B) unreasonably restrict access to or the size of such receptacles for businesses, given the nature of the business and the volume of items designated for recycling in accordance with section 22a-241b, that such business produces in its normal course of business, provided nothing in this section shall be construed to prohibit such regulations from requiring the screening or buffering of such receptacles for aesthetic reasons; [. Such regulations shall not impose]

(3) Impose conditions and requirements on manufactured homes, including mobile manufactured homes, having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards or on lots containing such manufactured homes, [which] including mobile manufactured home parks, if those conditions and requirements are substantially different from conditions and requirements imposed on (A) single-family dwellings; [and] (B) lots containing single-family dwellings; [. Such regulations shall not impose conditions and

requirements on developments to be occupied by manufactured homes having as their narrowest dimension twenty-two feet or more and built in accordance with federal manufactured home construction and safety standards which are substantially different from conditions and requirements imposed on] or (C) multifamily dwellings, lots containing multifamily dwellings, cluster developments or planned unit developments; [Such regulations shall not prohibit]

(4) (A) Prohibit the continuance of any nonconforming use, building or structure existing at the time of the adoption of such regulations; [or] (B) require a special permit or special exception for any such continuance; [. Such regulations shall not] (C) provide for the termination of any nonconforming use solely as a result of nonuse for a specified period of time without regard to the intent of the property owner to maintain that use; [. Such regulations shall not] or (D) terminate or deem abandoned a nonconforming use, building or structure unless the property owner of such use, building or structure voluntarily discontinues such use, building or structure and such discontinuance is accompanied by an intent to not reestablish such use, building or structure. The demolition or deconstruction of a nonconforming use, building or structure shall not by itself be evidence of such property owner's intent to not reestablish such use, building or structure; [. Unless such town opts out, in accordance with the provisions of subsection (j) of section 8-1bb, such regulations shall not prohibit]

(5) Prohibit the installation, in accordance with the provisions of section 8-1bb, as amended by this act, of temporary health care structures for use by mentally or physically impaired persons [in accordance with the provisions of section 8-1bb] if such structures comply with the provisions of said section, [.] unless the municipality opts out in accordance with the provisions of subsection (j) of said section;

(6) Prohibit the operation in a residential zone of any cottage food operation, as defined in section 21a-62b;

(7) Establish for any dwelling unit a minimum floor area that is greater than the minimum floor area set forth in the applicable building, housing or other code;

(8) Place a fixed numerical or percentage cap on the number of dwelling units that constitute multifamily housing over four units, middle housing or mixed-use development that may be permitted in the municipality;

(9) Require more than one parking space for each studio or one-bedroom dwelling unit or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 5 of this act; or

(10) Be applied to deny any land use application, including for any site plan approval, special permit, special exception or other zoning approval, on the basis of (A) a district's

character, unless such character is expressly articulated in such regulations by clear and explicit physical standards for site work and structures, or (B) the immutable characteristics, source of income or income level of any applicant or end user, other than age or disability whenever age-restricted or disability-restricted housing may be permitted.

(e) Any city, town or borough which adopts the provisions of this chapter may, by vote of its legislative body, exempt municipal property from the regulations prescribed by the zoning commission of such city, town or borough, [;] but unless it is so voted, municipal property shall be subject to such regulations.

(b) In any municipality that is contiguous to Long Island Sound the regulations adopted under this section shall be made with reasonable consideration for restoration and protection of the ecosystem and habitat of Long Island Sound and shall be designed to reduce hypoxia, pathogens, toxic contaminants and floatable debris in Long Island Sound. Such regulations shall provide that the commission consider the environmental impact on Long Island Sound of any proposal for development.

(c) In any municipality where a traprock ridge, as defined in section 8-1aa, or an amphibolite ridge, as defined in section 8-1aa, is located the regulations may provide for development restrictions in ridgeline setback areas, as defined in said section. The regulations may restrict quarrying and clear cutting, except that the following operations and uses shall be permitted in ridgeline setback areas, as of right: (1) Emergency work necessary to protect life and property; (2) any nonconforming uses that were in existence and that were approved on or before the effective date of regulations adopted under this section; and (3) selective timbering, grazing of domesticated animals and passive recreation.] [(d)] (f) Any advertising sign or billboard that is not equipped with the ability to calibrate brightness or illumination shall be exempt from any municipal ordinance or regulation regulating such brightness or illumination that is adopted by a city, town or borough, pursuant to subsection (a) of this section, after the date of installation of such advertising sign or billboard. [pursuant to subsection (a) of this section.]

*Sec. 5. (NEW) (Effective October 1, 2021)* The zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provision of subdivision (9) of subsection (d) of section 8-2 of the general statutes, as amended by this act, regarding limitations on parking spaces for dwelling units, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provision of said subsection within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter,

the municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provision of subsection (d) of section 8-2 of the general statutes, as amended by this act.

Sec. 6. *(NEW) (Effective January 1, 2022)* (a) Any zoning regulations adopted pursuant to section 8-2 of the general statutes, as amended by this act, shall:

(1) Designate locations or zoning districts within the municipality in which accessory apartments are allowed, provided at least one accessory apartment shall be allowed as of right on each lot that contains a single-family dwelling and no such accessory apartment shall be required to be an affordable accessory apartment;

(2) Allow accessory apartments to be attached to or located within the proposed or existing principal dwelling, or detached from the proposed or existing principal dwelling and located on the same lot as such dwelling;

(3) Set a maximum net floor area for an accessory apartment of not less than thirty per cent of the net floor area of the principal dwelling, or one thousand square feet, whichever is less, except that such regulations may allow a larger net floor area for such apartments;

(4) Require setbacks, lot size and building frontage less than or equal to that which is required for the principal dwelling, and require lot coverage greater than or equal to that which is required for the principal dwelling;

(5) Provide for height, landscaping and architectural design standards that do not exceed any such standards as they are applied to single-family dwellings in the municipality;

(6) Be prohibited from requiring (A) a passageway between any such accessory apartment and any such principal dwelling, (B) an exterior door for any such accessory apartment, except as required by the applicable building or fire code, (C) any more than one parking space for any such accessory apartment, or fees in lieu of parking otherwise allowed by section 8-2c of the general statutes, (D) a familial, marital or employment relationship between occupants of the principal dwelling and accessory apartment, (E) a minimum age for occupants of the accessory apartment, (F) separate billing of utilities otherwise connected to, or used by, the principal dwelling unit, or (G) periodic renewals for permits for such accessory apartments; and

(7) Be interpreted and enforced such that nothing in this section shall be in derogation of (A) applicable building code requirements, (B) the ability of a municipality to prohibit or limit the use of accessory apartments for short-term rentals or vacation stays, or (C) other

requirements where a well or private sewerage system is being used, provided approval for any such accessory apartment shall not be unreasonably withheld.

(b) The as of right permit application and review process for approval of accessory apartments shall require that a decision on any such application be rendered not later than sixty-five days after receipt of such application by the applicable zoning commission, except that an applicant may consent to one or more extensions of not more than an additional sixty-five days or may withdraw such application.

(c) A municipality shall not (1) condition the approval of an accessory apartment on the correction of a nonconforming use, structure or lot, or (2) require the installation of fire sprinklers in an accessory apartment if such sprinklers are not required for the principal dwelling located on the same lot or otherwise required by the fire code.

(d) A municipality, special district, sewer or water authority shall not (1) consider an accessory apartment to be a new residential use for the purposes of calculating connection fees or capacity charges for utilities, including water and sewer service, unless such accessory apartment was constructed with a new single-family dwelling on the same lot, or (2) require the installation of a new or separate utility connection directly to an accessory apartment or impose a related connection fee or capacity charge.

(e) If a municipality fails to adopt new regulations or amend existing regulations by January 1, 2023, for the purpose of complying with the provisions of subsections (a) to (d), inclusive, of this section, and unless such municipality opts out of the provisions of said subsections in accordance with the provisions of subsection (f) of this section, any noncompliant existing regulation shall become null and void and such municipality shall approve or deny applications for accessory apartments in accordance with the requirements for regulations set forth in the provisions of subsections (a) to (d), inclusive, of this section until such municipality adopts or amends a regulation in compliance with said subsections. A municipality may not use or impose additional standards beyond those set forth in subsections (a) to (d), inclusive, of this section.

(f) Notwithstanding the provisions of subsections (a) to (d), inclusive, of this section, the zoning commission or combined planning and zoning commission, as applicable, of a municipality, by a two-thirds vote, may initiate the process by which such municipality opts out of the provisions of said subsections regarding allowance of accessory apartments, provided such commission: (1) First holds a public hearing in accordance with the provisions of section 8-7d of the general statutes on such proposed opt-out, (2) affirmatively decides to opt out of the provisions of said subsections within the period of time permitted under section 8-7d of the general statutes, (3) states upon its records the reasons for such decision, and (4) publishes notice of such decision in a newspaper having a substantial circulation in the municipality not later than fifteen days after such decision has been rendered. Thereafter, the municipality's legislative body or, in a

municipality where the legislative body is a town meeting, its board of selectmen, by a two-thirds vote, may complete the process by which such municipality opts out of the provisions of subsections (a) to (d), inclusive, of this section, except that, on and after January 1, 2023, no municipality may opt out of the provisions of said subsections.

Sec. 7. Subsection (k) of section 8-30g of the general statutes is repealed and the following is substituted in lieu *thereof* (Effective October 1, 2021):

(k) The affordable housing appeals procedure established under this section shall not be available if the real property which is the subject of the application is located in a municipality in which at least ten per cent of all dwelling units in the municipality are (1) assisted housing, (2) currently financed by Connecticut Housing Finance Authority mortgages, (3) subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, (4) mobile manufactured homes located in mobile manufactured home parks or legally approved accessory apartments, which homes or apartments are subject to binding recorded deeds containing covenants or restrictions which require that such dwelling units be sold or rented at, or below, prices which will preserve the units as housing for which, for a period of not less than ten years, persons and families pay thirty per cent or less of income, where such income is less than or equal to eighty per cent of the median income, or (5) mobile manufactured homes located in resident-owned mobile manufactured home parks. For the purposes of calculating the total number of dwelling units in a municipality, accessory apartments built or permitted after January 1, 2022, but that are not described in subdivision (4) of this subsection, shall not be counted toward such total number. The municipalities meeting the criteria set forth in this subsection shall be listed in the report submitted under section 8-37qqq. As used in this subsection, "accessory apartment" [means a separate living unit that (A) is attached to the main living unit of a house, which house has the external appearance of a single-family residence, (B) has a full kitchen, (C) has a square footage that is not more than thirty per cent of the total square footage of the house, (D) has an internal doorway connecting to the main living unit of the house, (E) is not billed separately from such main living unit for utilities, and (F) complies with the building code and health and safety regulations] has the same meaning as provided in section 8-1a, as amended by this act, and "resident-owned mobile manufactured home park" means a mobile manufactured home park consisting of mobile manufactured homes located on land that is deed restricted, and, at the time of issuance of a loan for the purchase of such land, such loan required seventy-five per cent of the units to be leased to persons with incomes equal to or less than eighty per cent of the median income, and either [(i)] (A) forty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than sixty per cent of the median income, or [(ii)] (B) twenty per cent of said seventy-five per cent to be leased to persons with incomes equal to or less than fifty per cent of the median income.

Sec. 8. Subsection (e) of section 8-3 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(e) (1) The zoning commission shall provide for the manner in which the zoning regulations shall be enforced, except that any person appointed as a zoning enforcement officer on or after January 1, 2023, shall be certified in accordance with the provisions of subdivision (2) of this subsection.

(2) Beginning January 1, 2023, and annually thereafter, each person appointed as a zoning enforcement officer shall obtain certification from the Connecticut Association of Zoning Enforcement Officials and maintain such certification for the duration of employment as a zoning enforcement officer.

Sec. 9. (*NEW*) (*Effective from passage*) (a) On and after January 1, 2023, each member of a municipal planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals shall complete at least four hours of training. Any such member serving on any such commission or board as of January 1, 2023, shall complete such initial training by January 1, 2024, and shall complete any subsequent training every other year thereafter. Any such member not serving on any such commission or board as of January 1, 2023, shall complete such initial training not later than one year after such member's election or appointment to such commission or board and shall complete any subsequent training every other year thereafter. Such training shall include at least one hour concerning affordable and fair housing policies and may also consist of (1) process and procedural matters, including the conduct of effective meetings and public hearings and the Freedom of Information Act, as defined in section 1-200 of the general statutes, (2) the interpretation of site plans, surveys, maps and architectural conventions, and (3) the impact of zoning on the environment, agriculture and historic resources.

(b) Not later than January 1, 2022, the Secretary of the Office of Policy and Management shall establish guidelines for such training in collaboration with land use training providers, including, but not limited to, the Connecticut Association of Zoning Enforcement Officials, the Connecticut Conference of Municipalities, the Connecticut Chapter of the American Planning Association, the Land Use Academy at the Center for Land Use Education and Research at The University of Connecticut, the Connecticut Bar Association, regional councils of governments and other nonprofit or educational institutions that provide land use training, except that if the secretary fails to establish such guidelines, such land use training providers may create and administer appropriate training for members of commissions and boards described in subsection (a) of this section, which may be used by such members for the purpose of complying with the provisions of said subsection.



(c) Not later than March 1, 2024, and annually thereafter, the planning commission, zoning commission, combined planning and zoning commission and zoning board of appeals, as applicable, in each municipality shall submit a statement to such municipality's legislative body or, in a municipality where the legislative body is a town meeting, its board of selectmen, affirming compliance with the training requirement established pursuant to subsection (a) of this section by each member of such commission or board required to complete such training in the calendar year ending the preceding December thirty-first.

Sec. 10. Section 7-245 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

For the purposes of this chapter: (1) "Acquire a sewerage system" means obtain title to all or any part of a sewerage system or any interest therein by purchase, condemnation, grant, gift, lease, rental or otherwise; (2) "alternative sewage treatment system" means a sewage treatment system serving one or more buildings that utilizes a method of treatment other than a subsurface sewage disposal system and that involves a discharge to the groundwaters of the state; (3) "community sewerage system" means any sewerage system serving two or more residences in separate structures which is not connected to a municipal sewerage system or which is connected to a municipal sewerage system as a distinct and separately managed district or segment of such system, but does not include any sewerage system serving only a principal dwelling unit and an accessory apartment, as defined in section 8-1a, as amended by this act, located on the same lot; (4) "construct a sewerage system" means to acquire land, easements, rights-of-way or any other real or personal property or any interest therein, plan, construct, reconstruct, equip, extend and enlarge all or any part of a sewerage system; (5) "decentralized system" means managed subsurface sewage disposal systems, managed alternative sewage treatment systems or community sewerage systems that discharge sewage flows of less than five thousand gallons per day, are used to collect and treat domestic sewage, and involve a discharge to the groundwaters of the state from areas of a municipality; (6) "decentralized wastewater management district" means areas of a municipality designated by the municipality through a municipal ordinance when an engineering report has determined that the existing subsurface sewage disposal systems may be detrimental to public health or the environment and that decentralized systems are required and such report is approved by the Commissioner of Energy and Environmental Protection with concurring approval by the Commissioner of Public Health, after consultation with the local director of health; (7) "municipality" means any metropolitan district, town, consolidated town and city, consolidated town and borough, city, borough, village, fire and sewer district, sewer district and each municipal organization having authority to levy and collect taxes; (8) "operate a sewerage system" means own, use, equip, reequip, repair, maintain, supervise, manage, operate and perform any act pertinent to the collection, transportation and disposal of sewage; (9) "person" means any person, partnership, corporation, limited liability company, association or public agency; (10) "remediation standards" means

pollutant limits, performance requirements, design parameters or technical standards for application to existing sewage discharges in a decentralized wastewater management district for the improvement of wastewater treatment to protect public health and the environment; (11) "sewage" means any substance, liquid or solid, which may contaminate or pollute or affect the cleanliness or purity of any water; and (12) "sewerage system" means any device, equipment, appurtenance, facility and method for collecting, transporting, receiving, treating, disposing of or discharging sewage, including, but not limited to, decentralized systems within a decentralized wastewater management district when such district is established by municipal ordinance pursuant to section 7-247.

Sec. 11. Subsection (b) of section 7-246 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2021*):

(b) Each municipal water pollution control authority designated in accordance with this section may prepare and periodically update a water pollution control plan for the municipality. Such plan shall designate and delineate the boundary of: (1) Areas served by any municipal sewerage system; (2) areas where municipal sewerage facilities are planned and the schedule of design and construction anticipated or proposed; (3) areas where sewers are to be avoided; (4) areas served by any community sewerage system not owned by a municipality; (5) areas to be served by any proposed community sewerage system not owned by a municipality; and (6) areas to be designated as decentralized wastewater management districts. Such plan may designate and delineate specific allocations of capacity to serve areas that are able to be developed for residential or mixed-use buildings containing four or more dwelling units. Such plan shall also describe the means by which municipal programs are being carried out to avoid community pollution problems and describe any programs wherein the local director of health manages subsurface sewage disposal systems. The authority shall file a copy of the plan and any periodic updates of such plan with the Commissioner of Energy and Environmental Protection and shall manage or ensure the effective supervision, management, control, operation and maintenance of any community sewerage system or decentralized wastewater management district not owned by a municipality.

Sec. 12. Section 8-30j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) (1) [At] Not later than June 1, 2022, and at least once every five years thereafter, each municipality shall prepare or amend and adopt an affordable housing plan for the municipality and shall submit a copy of such plan to the Secretary of the Office of Policy and Management, who shall post such plan on the Internet web site of said office. Such plan shall specify how the municipality intends to increase the number of affordable housing developments in the municipality.

(2) If, at the same time the municipality is required to submit to the Secretary of the Office of Policy and Management an affordable housing plan pursuant to subdivision (1) of this subsection, the municipality is also required to submit to the secretary a plan of conservation and development pursuant to section 8-23, such affordable housing plan may be included as part of such plan of conservation and development. The municipality may, to coincide with its submission to the secretary of a plan of conservation and development, submit to the secretary an affordable housing plan early, provided the municipality's next such submission of an affordable housing plan shall be five years thereafter.

(b) The municipality may hold public informational meetings or organize other activities to inform residents about the process of preparing the plan and shall post a copy of any draft plan or amendment to such plan on the Internet web site of the municipality. If the municipality holds a public hearing, such posting shall occur at least thirty-five days prior to the public hearing. [on the adoption, the municipality shall file in the office of the town clerk of such municipality a copy of such draft plan or any amendments to the plan, and if applicable, post such draft plan on the Internet web site of the municipality.] After adoption of the plan, the municipality shall file the final plan in the office of the town clerk of such municipality and [, if applicable,] post the plan on the Internet web site of the municipality.

(c) Following adoption, the municipality shall regularly review and maintain such plan. The municipality may adopt such geographical, functional or other amendments to the plan or parts of the plan, in accordance with the provisions of this section, as it deems necessary. If the municipality fails to amend and submit to the Secretary of the Office of Policy and Management such plan every five years, the chief elected official of the municipality shall submit a letter to the [Commissioner of Housing] secretary that (1) explains why such plan was not amended, and (2) designates a date by which an amended plan shall be submitted.

Sec. 13. (*Effective from passage*) (a) There is established a Commission on Connecticut's Development and Future within the Legislative Department, which shall evaluate policies related to land use, conservation, housing affordability and infrastructure.

(b) The commission shall consist of the following members:

(1) Two appointed by the speaker of the House of Representatives, one of whom is a member of the General Assembly not described in subdivision (7), (8), (9) or (10) of this subsection and one of whom is a representative of a municipal advocacy organization;

(2) Two appointed by the president pro tempore of the Senate, one of whom is a member of the General Assembly not described in subdivision (7), (8), (9) or (10) of this subsection and one of whom has expertise in state or local planning;

- (3) Two appointed by the majority leader of the House of Representatives, one of whom has expertise in state affordable housing policy and one of whom represents a town with a population of greater than thirty thousand but less than seventy-five thousand;
- (4) Two appointed by the majority leader of the Senate, one of whom has expertise in zoning policy and one of whom has expertise in community development policy;
- (5) Two appointed by the minority leader of the House of Representatives, one of whom has expertise in environmental policy and one of whom is a representative of a municipal advocacy organization;
- (6) Two appointed by the minority leader of the Senate, one of whom has expertise in homebuilding and one of whom is a representative of the Connecticut Association of Councils of Governments;
- (7) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to planning and development;
- (8) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to the environment;
- (9) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to housing;
- (10) The chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to transportation;
- (11) Two appointed by the Governor, one of whom is an attorney with expertise in planning and zoning and one of whom has expertise in fair housing;
- (12) The Secretary of the Office of Policy and Management;
- (13) The Commissioner of Administrative Services, or the commissioner's designee;
- (14) The Commissioner of Economic and Community Development, or the commissioner's designee;
- (15) The Commissioner of Energy and Environmental Protection, or the commissioner's designee;
- (16) The Commissioner of Housing, or the commissioner's designee; and
- (17) The Commissioner of Transportation, or the commissioner's designee.

(c) Appointing authorities, in cooperation with one another, shall make a good faith effort to ensure that, to the extent possible, the membership of the commission closely reflects the gender and racial diversity of the state. Members of the commission shall serve without compensation, except for necessary expenses incurred in the performance of their duties. Any vacancy shall be filled by the appointing authority.

(d) The speaker of the House of Representatives and the president pro tempore of the Senate shall jointly select one of the members of the General Assembly described in subdivision (1) or (2) of subsection (b) of this section to serve as one co-chairperson of

the commission. The Secretary of the Office of Policy and Management shall serve as the other co-chairperson of the commission. Such co-chairpersons shall schedule the first meeting of the commission.

(e) The commission may accept administrative support and technical and research assistance from outside organizations and employees of the Joint Committee on Legislative Management. The co-chairpersons may establish, as needed, working groups consisting of commission members and nonmembers and may designate a chairperson of each such working group.

(f) (1) Except as provided in subdivision (2) of this subsection, not later than January 1, 2022, and not later than January 1, 2023, the commission shall submit a report to the joint standing committees of the General Assembly having cognizance of matters relating to planning and development, environment, housing and transportation and to the Secretary of the Office of Policy and Management, in accordance with the provisions of section 11-4a of the general statutes, regarding the following:

(A) Any recommendations for statutory changes concerning the process for developing, adopting and implementing the state plan of conservation and development;

(B) Any recommendations for (i) statutory changes concerning the process for developing and adopting the state's consolidated plan for housing and community development prepared pursuant to section 8-37t of the general statutes, and (ii) implementation of such plan;

(C) Any recommendations (i) for guidelines and incentives for compliance with (I) the requirements for affordable housing plans prepared pursuant to section 8-30j of the general statutes, as amended by this act, and (II) subdivisions (4) to (6), inclusive, of subsection (b) of section 8-2 of the general statutes, as amended by this act, and (ii) as to how such compliance should be determined, as well as the form and manner in which evidence of such compliance should be demonstrated. Nothing in this subparagraph may be construed as permitting any municipality to delay the preparation or amendment and adoption of an affordable housing plan, and the submission of a copy of such plan to the Secretary of the Office of Policy and Management, beyond the date set forth in subsection (a) of section 8-30j of the general statutes, as amended by this act;

(D) (i) Existing categories of discharge that constitute (I) alternative on-site sewage treatment systems, as described in section 19a-35a of the general statutes, (II) subsurface community sewerage systems, as described in section 22a-430 of the general statutes, and (III) decentralized systems, as defined in section 7-245 of the general statutes, as amended by this act, (ii) current administrative jurisdiction to issue or deny permits and approvals for such systems, with reference to daily capacities of such systems, and (iii) the potential impacts of increasing the daily capacities of such systems, including

changes in administrative jurisdiction over such systems and the timeframe for adoption of regulations to implement any such changes in administrative jurisdiction; and

(E) (i) Development of model design guidelines for both buildings and context-appropriate streets that municipalities may adopt, in whole or in part, as part of their zoning or subdivision regulations, which guidelines shall (I) identify common architectural and site design features of building types used in urban, suburban and rural communities throughout this state, (II) create a catalogue of common building types, particularly those typically associated with housing, (III) establish reasonable and cost-effective design review standards for approval of common building types, accounting for topography, geology, climate change and infrastructure capacity, (IV) establish procedures for expediting the approval of buildings or streets that satisfy such design review standards, whether for zoning or subdivision regulations, and (V) create a design manual for context-appropriate streets that complement common building types, and (ii) development and implementation by the regional councils of governments of an education and training program for the delivery of such model design guidelines for both buildings and context-appropriate streets.

(2) If the commission is unable to meet the January 1, 2022, deadline set forth in subdivision (1) of this subsection for the submission of the report described in said subdivision, the co-chairpersons shall request from the speaker of the House of Representatives and president pro tempore of the Senate an extension of time for such submission and shall submit an interim report.

(3) The commission shall terminate on the date it submits its final report or January 1, 2023, whichever is later.

***Approved June 10, 2021***